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THE LEAGUE'S BUSINESS

OUTLINE OF TENTATIVE PROGRAM OF NATIONAL CONFERENCE ON GOVERNMENT

STATLER HOTEL, BUFFALO, NEW YORK, NOVEMBER 9, 10 AND 11

Participating Organizations: American Legislators' Association, Governmental Research Association, National Association of Civic Secretaries, National Municipal League, and Proportional Representation League

Monday—November 9

A.M.

10:00 General Meeting: **"What's Wrong with our Courts and Police?"**
Speakers: Raymond Moley, Columbia University
Bruce Smith, National Institute of Public Administration (invited)

P.M.

12:30 Luncheon—Separate Groups
National Municipal League Business Meeting

2:30 Group Session
Governmental Research Association—**"Bureau Technique and Management"**

2:30 Committee Meetings (to be arranged)

6:30 Dinner Meetings—Separate groups

Tuesday—November 10

A.M.

10:00 Group Sessions
1. Governmental Research Association—**"Survey Methods"**
2. National Association of Civic Secretaries and National Municipal League—**"Non-Partisan Ballot"**

P.M.

12:30 Luncheon Sessions
1. Governmental Research Association—**"Reducing Governmental Costs"**
2. American Legislators' Association, National Association of Civic Secretaries and National Municipal League—**"Government Finances in Depression"**

2:30 Sightseeing Trip to Niagara Falls

Wednesday—November 11

A.M.

10:00 Group Sessions
1. Governmental Research Association—**"Problems of Administrative Organization"**
2. Governmental Research Association—**"Delinquent Tax Administration"**
3. American Legislators' Association, National Association of Civic Secretaries and National Municipal League—**"The Urban-Rural Conflict in Government"**
Speakers: Daniel E. Morgan, City Manager, Cleveland (invited)
C. E. Merriam, University of Chicago

P.M.

12:30 Luncheon Session—**"Corruption in City Government"**
Speakers: Lincoln Steffens
A. R. Hatton, Northwestern University

2:30 Group Sessions
1. Governmental Research Association—**"Technical Problems in Personnel Administration"**
2. Governmental Research Association—**"Progress in Measurement of Governmental Services"**
3. American Legislators' Association, National Association of Civic Secretaries and National Municipal League—**"County Government"**
Speakers: John M. Gaus, University of Wisconsin (invited)
Hugh Reid, State Senator of Virginia

6:30 Annual Banquet
Subject: **"How Far are Our Governments Going in Absorbing New Activities?"**

DON'T MISS THIS IMPORTANT MEETING. MARK YOUR CALENDAR NOW!

NATIONAL MUNICIPAL REVIEW

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EDITORIAL COMMENT

Detroit has been passing through a city manager flurry, involving a resolution by the city council to put the question of manager government upon the ballot for October 6 and later repeal and postponement for an indefinite period. For details see "Headlines."

*

In a conference with the Pasadena city council regarding the considerations which should govern in the selection of a manager, Professor W. B. Munro made an observation which may well be noted by other councils called upon to appoint a municipal administrator. Asked by one councilman (they are called city directors in Pasadena) if the new manager should not be an expert in retrenchment, Professor Munro predicted that the chief administrator who takes office at this time will have to meet problems of expansion, rather than retrenchment, during the greater part of his probable term. Prosperity is not more than two years, and perhaps only one year away, he added.

*

The report on police by the Wickersham Commission contains no disclosures to startle REVIEW readers. To them the faults therein displayed are familiar. The report has been attacked for minor errors. Perhaps it contains some, but its general arraignment of police organization and methods is undoubtedly correct and will not be disputed by any disinterested observer.

The defects of police administration so courageously presented, may be summarized as follows:

1. Insecure, short terms of service of the executive head and his subservience to political control.
2. Lack of competent, efficient and honest patrolmen and subordinate officers.
3. Lack of efficient communication systems within and between police departments.
4. Alliance between criminals and corrupt politicians.
5. Excessive duties imposed upon officers and patrolmen beyond capacity to perform.

The report, which is brief, is accompanied by a report to the commission entitled *Police Conditions in the United States*, by David G. Monroe and Earle W. Garrett of the University of Chicago, under the direction of August Vollmer.

*

Cleveland Politicians Restless Under Manager Plan

For the fourth time since the adoption of the manager plan, the people of Cleveland will on November 3 vote upon its abolition. The proposal is the so-called Danaceau amendment providing for a mayor elected at large and a council of thirty members elected by wards. Two years ago a similar effort met defeat by the close majority of

3,004 votes. Other proposals to reject the manager plan were also negatived by the voters in 1927 and 1928. Whether the precedent thus established will be maintained in November it is still too early to predict.

Two years ago the Citizens' League of Cleveland published a careful study of the first five years of city manager government in Cleveland. It was such a fair interpretation that the REVIEW sought and obtained permission to reprint it as a supplement. In June the League published another survey bringing the earlier report up to date. It found that in the last two years there has been a definite improvement in the personnel and procedure of the city council and in its legislative product. The "woeful lack of much needed legislation" reported in the five years' statement no longer obtains. The mayor has assumed a more satisfactory and aggressive leadership, and by so doing has distinctly increased the importance of his office. His coöperation with the city manager is said to be generous. The League observes that the present manager has consistently recognized and adhered to the distinction between the functions of the council and of the manager, and that as a consequence a much healthier atmosphere exists at city hall in the relationship between the administrative and the legislative departments than in any time in the past twelve or fifteen years.

Since the five-year report was issued, marked improvement has taken place in the personnel of the civil service commission. Although the League states that the commission is entirely of one political complexion, it is slowly gaining in public confidence. Republicans are favored for appointments, the bipartisan understanding regarding appointments, which was commonly believed to exist in the former administration, being no longer observed.

Not all departments of the city government are commended and the department of public utilities receives special censure. Nevertheless improvement in most departments during the past two years is marked. Welfare work and health administration are said to be of a high quality. The police and fire divisions are termed efficient. The administration of the legal and financial departments is credited with being of an exceptionally high order.

On the whole, the Citizens' League believes Cleveland has been enjoying comparatively good government under the manager plan; particularly have the last two years shown improvement over the preceding five. Although the League's report is carefully guarded and an impartial attitude maintained throughout, it is difficult for an observer at this distance to understand why the voters should be interested in abandoning the manager plan. When present conditions in Chicago, Pittsburgh, New York, Philadelphia and elsewhere are remembered, Cleveland's municipal government shines by contrast.

*

Unique Function of Toledo Publicity and Efficiency Commission

Toledo boasts a Commission of Publicity and Efficiency, one of whose functions is the publication of the weekly *Toledo City Journal*, now well known to students of municipal government. Under section 57 of the city charter, it is held that publication of an ordinance in this journal is necessary to give it effect; but the commission has ruled that its duty to publish ordinances passed by the council is not mandatory and that it has the power to refuse publication if the ordinance is illegal and beyond the power of council to pass.

The question of the discretionary power of the commission arose recently in connection with an effort to give

virtually free water service to all schools not operated for profit. The commission believed that this ordinance was not only harmful but illegal. It, therefore, refused to publish it and its action was sustained on the grounds that the ordinance was contrary to state law.

At least three similar cases had arisen earlier. The first one concerned an ordinance making a nominal appropriation for the purchase of the street railway system. It was refused publication by the commission, but the Supreme Court eventually decided that the grant of home rule powers to Ohio cities was sufficiently broad to give the municipality authority to purchase a street railway system and ordered the commission to publish it.

Later, on the ground of illegality, the commission refused to publish an ordinance authorizing a bond issue. Again the Supreme Court held with the council and ordered the commission to advertise the ordinance. Still later, an appropriation to build a mooring basin for winter storage of lake freighters was refused publication as being against public policy. In this instance pressure of public opinion supported the commission, and the mayor and council abandoned the project.

The commission does not claim that its approval is necessary to the validity of an ordinance otherwise legal; but it does claim the power to defeat the validation of an ordinance which is illegal, the question of legality being decided ultimately by the courts if the city council insists. Thus the commission does not constitute an upper house of the council but rather a taxpayers' sentry to guard the public against illegal action by its legislative officials.

*

Obsolete Local Governments—At Home and Abroad

In this issue Dr. Lutz describes the municipal-county segregation plan for the abolition of the present overlapping and pyramiding of local governments in New Jersey. The theory is that no area should be called upon to support more than one layer of local government. Townships and other obsolete local districts would be absorbed by the county. Municipalities of reasonable size would be divorced from the county, which in turn would provide all the local government needed by the villages and rural sections.

While the plan calls for the transfer to the state of certain functions now performed by the counties, the net result would be the strengthening of the county as a local government. Once city-county segregation had been accomplished, future boundaries would be altered automatically. The mere filing of a subdivision plat would suffice to add a county sector to an adjacent municipality. Thus would be avoided the failures or delays to annex urban territory to cities, which if allowed to continue would soon antiquate the pattern.

Dr. Lutz was precluded by limits of space from elaborating the evidence which led the New Jersey Commission to advance its municipal-county segregation scheme, but the general nature of the waste and ineffectiveness of the present situation is well known to REVIEW readers.

It is encouraging to know that the evil is not peculiarly American. Dr. Robson's penetrating book, *The Development of Local Government*,[1] demon-

[1] *The Development of Local Government.* By William A. Robson. London: George Allen and Unwin, Ltd., 1931. 362 pp. This book is of undoubted importance to American as well as English readers. To Americans too great a proportion of English writings on local government have seemed to be merely description of structure or interpretation of legal principles. The tone is often surprisingly complacent. Dr. Robson's treatment is more realistic and modern.

strates that our English cousins are confronted by the same problem. In England, declares the author, there is wide confusion in local government areas; the structure is obsolescent, new powers have been showered upon heads of a multitude of local authorities unfitted to exercise them; the allocation of functions between these authorities appears almost anarchical. County government, America's well-known dark continent, is backward in England also; the county boroughs are more alive and efficient. The problem of metropolitan areas is as pressing there as with us. Counties have the same reluctance towards alteration of boundaries in the face of expanding urban population; and inter-municipal coöperation has been as ineffective in England as in the United States.

Dr. Robson would reduce the existing confusion by adopting the principle of but one primary local government for any given area. In England this government would be the county borough for large urban aggregations and the administrative county for rural and smaller urban localities. Numerous existing units would be annihilated (note the similarity to the New Jersey municipal-county segregation plan). But, although based on the proposition that two sets of local authorities over the same area are an anachronism, Dr. Robson's final pattern is not so simple as that of Dr. Lutz. Local authorities, he believes, must frequently be grouped into combinations of counties and county boroughs for specific purposes. The groupings will differ as the purposes differ. The area proper for a land drainage scheme, for example, will probably not be a desirable unit for secondary education or electricity supply. For this reason a whole series of different combinations will be needed. They will supplant the present array of ad hoc authorities which Dr. Robson dislikes. They will be governed by the member county councils and county borough councils under a unified executive organ.

As it will be necessary to combine primary local units for certain comprehensive surveys, so it will doubtless be desirable to subdivide the larger counties for administrative purposes. This will be accomplished without disturbing the legislative authority of the county council. The administrative subdivisions will be under the management of district committees which will be composed largely of members of the county council.

Thus Dr. Robson considers that he has provided for all legitimate activities which concern more than one local unit and for possible individual needs of localities within such units.

The fundamental philosophy is the same as in the New Jersey recommendation described by Dr. Lutz. Both stand firmly on the proposition that one set of local officials is all that the voter can watch. Dr. Robson emphasizes the need for combinations of these governments for certain extensive projects, and Dr. Lutz concedes that in an area like North Jersey some overlying metropolitan government may be necessary, although personally he might prefer complete consolidation. The movement for one local government for any given area is gaining in the United States. It is interesting and significant that a similar school of thought has arisen in England.

His criticisms of present organization and practices are matched by a constructive program of reform.

HEADLINES

Abolition of the job of township collector in Illinois would have been accomplished by a bill which passed the legislature but was killed by gubernatorial veto. Rejoicing over the veto, the *Pleasant Plains Argus* warns that "we hicks will have to keep our eyes open and prepare for a repetition of this attempted steal two years hence." There are 46 township collectors in Sangamon county where the *Argus* is published. Selah.

* * *

A voluntary sales tax and luxury tax as a sort of perpetual tag day to raise funds for Chicago's unemployed is suggested by Mayor Cermak.

* * *

Chicago, the roaring playboy of the western world, has at last got down to business! Bankers, business men, politicians, labor—all for the moment are standing shoulder to shoulder to ward off financial catastrophe. A survey of the administrative organization of the city government is now being made by J. L. Jacobs, who estimates that at least ten million dollars a year can be saved Chicago by improvement in organization and methods.

* * *

All sorts of nostrums are being advocated in the effort to pull Chicago out of the financial mire. The latest is the suggestion that bonds, secured by tax anticipation warrants, be issued to pay school teachers. Borrowing twice on the same security is a fine idea but what will the banks say?

* * *

The largest single taxpayer of Hamtramck, Michigan, The Chrysler Corporation, has filed suit in the United States district court asking that the city be enjoined from collecting 1931 taxes on the ground that intentional under valuation of other taxable property and an overvaluation of Chrysler property was made for the purpose of requiring the automobile firm to bear an undue proportion of the public burden.

* * *

Taxes totaling $2,250,000 for 1931 have been paid by the Detroit Edison Company in advance to help the city out of its financial difficulties.

* * *

A home rule charter embodying the county manager plan is recommended for Santa Clara County, California, by the 1930 grand jury which has just submitted a 600-page report analyzing the county government and recommending thorough reorganization. The study was made by Professor E. A. Cottrell of Stanford University.

* * *

The narrow defeat suffered by Philadelphia advocates of the manager plan when the legislature last spring rejected their bill by a hair (or shall we say Vare?) has only stirred them to greater effort. Preparations are now underway to seek election of legislators who will support a manager bill.

Cleveland voters will go to the polls November 3 to indicate for the fourth time whether or not they wish to keep the city manager plan. Each previous election has resulted in endorsement of the plan. This time, voters, in an ugly mood because of business conditions, may take it out on the ballot. Little discrimination is required to appreciate that the form of government is not responsible. But the temper of people everywhere favors change, and the prospect of a bitter fight looms.

* * *

Small cities are turning to zoning to solve their problems of community growth. A survey by Norman L. Knauss of the division of building and housing of the bureau of standards of the U. S. department of commerce reveals that of 77 municipalities which adopted zoning ordinances for the first time last year, 70 had populations of less than 40,000.

* * *

It's been "on again, off again, gone again, Finnigan" with the city manager campaign in Detroit. First, petitions were circulated, and 30,000 signatures obtained. Next, the manager plan headquarters were burglarized and the petitions stolen. Third, the council approved putting the issue on the ballot early in October. Fourth, on protests of friends of the plan, who feared the time was too short for educational purposes, the council rescinded its action. Now it's status quo ante bellum.

* * *

Only one candidate of the group which backed the manager plan in New Rochelle, New York, was nominated for the council at the September primary. The plan will go into effect January 1, 1932.

* * *

Teaneck, New Jersey, taxpayers, determined to keep interest in their new manager government at an enthusiastic pitch, have launched a publication called *The Town Manager* which will tell citizens what the administration is doing.

* * *

Twelve cities have adopted the manager plan of government so far this year. They are: San Diego, California; Pensacola and St. Petersburg, Florida; Bangor, Brewer and Dexter, Maine; Binghamton, New York; Asheville, North Carolina; Belton and Jacksonville, Texas; Appalachia, Virginia; and San Juan, Porto Rico.

HOW MAGISTRATES' COURTS DEFILE JUSTICE

BY SPENCER ERVIN
Of the Philadelphia Bar

The author of the report on the Magistrates' Courts of Philadelphia exposes their workings. It is the duty of the Bar to assume leadership in reform. :: :: :: :: :: :: :: :: ::

SOME twenty years ago I was asked to defend a man arrested on a charge of assault and battery under a warrant issued by a Philadelphia "magistrate" and returnable in his court. The man was a "private constable" employed by a large milk dealer to cruise around and prevent other milk dealers and peddlers from refilling his bottles with their milk. This constable had caught a refiller red-handed and had sworn out a warrant for him under a statute prohibiting refilling. The refiller had then hied himself to his favorite magistrate and had obtained the warrant for my client.

The hearing was held in a small dingy room in the rear part of which was a platform for the magistrate's desk. The complainant did not tell his story readily and his lawyer practically testified for him, creating in my mind the impression that the story was altogether the lawyer's. It was to the effect that the complainant, innocent of course of any wrongdoing, had been hit on the head by my client with a milk bottle snatched out of complainant's hand. Now my client was a man of some five feet eight in height; so broad that he looked short, and half as thick through as he was broad. If he had ever hit anyone on the head with a milk bottle the only court to which the hittee could have appealed would have been that supreme tribunal which corrects all earthly errors.

Notwithstanding protests, the magistrate made no attempt to restrain complainant's lawyer from testifying for his client. My client then took the stand and gave a clear and convincing account of the actual occurrence. At its conclusion I suggested to "his honor" that there was not very convincing evidence on which to hold defendant. He said: "While perhaps there is not a great deal of evidence I think that under all the circumstances I will hold defendant in $500 bail for court," and the hearing ended.

"All the circumstances" of course were that the magistrate was the Republican ward leader, and that complainant's lawyer or complainant himself was one of his followers or allies or a friend of one of these. I thought of this hearing—and others like it—when I read in 1926 the report of a committee appointed by the local Bar Association to examine into the administration of the criminal law in Philadelphia. It said: "In privately prosecuted cases, the counsel for the prosecutor generally selects a friendly magistrate, and it is frequently a foregone conclusion that the accused will be held without much regard to the evidence produced." And finally: "The magisterial system as set up and administered strikes at the good repute of the criminal administration in its entirety, and until some remedy can be found and applied, the criminal administration of the city

will not receive the respect of the community."

This conclusion is justified by a history of one hundred years of corruption, oppression, and inefficiency in the magistrates' courts and their predecessors the aldermen's courts. We started out in Philadelphia by making the aldermen of the original city corporation of "Mayor, Recorder and Aldermen" justices of the peace with power to hold for court, and to try summarily small offences and small civil claims, and continuing them in this jurisdiction after they lost their administrative and legislative duties by the remodeling of the city's governmental machinery. They were, of course, without legal training. We became well disgusted with the results by 1873, but the Constitutional Convention of that year (the latest we have had) did little beyond reducing the number of aldermen, giving them the new name of "magistrates," and making future improvement difficult by detailed constitutional provisions. Efforts to have the job done by lawyers were defeated by the "all that is needed is commonsense" party in the convention.

MAGISTRATES ARE UNTRAINED

There are three main causes for the widespread dissatisfaction with our magistrates, which I will state briefly. First is their lack of legal training. How can judicial work be well done by men who don't know law? Heretofore the answer to the criticism has been that their work was so simple that a knowledge of law was unnecessary. But this statement won't hold water. The work is not simple and is growing even more complex. Do you wish to be obliged to go before the grand jury on some baseless or trivial charge because the man who holds the preliminary hearing can't weigh evidence, or to be held for violation of some law which does not exist, or to be obliged to retry a civil case before a trained judge because the untrained judge before whom it first comes doesn't know a contract from a stone-crusher? And if you can't afford a lawyer to defend you from the malice of a neighbor or the petty persecution of some official, or the rapacity of an installment salesman, wouldn't you like to feel that the man who hears your case is able to get at the truth and to use the law to give justice?

MAGISTRATES ARE POLITICIANS

The second cause of dissatisfaction is the political character of the magistrates. They are in their posts because the political organization which controls them wishes to be able to get votes by protecting its adherents from deserved punishment. They are an infectious, paralyzing agent in the body politic, preventing the repression of crime, burdening grand juries and prosecuting officers, discouraging the police, doubling the work of other courts, spreading disrespect for law and dissatisfaction with government.

Come with me for a moment before some of these magistrates.

We are prosecuting someone for stealing merchandise. He and three other employees have been in a scheme by which false entries of withdrawal from stock and deliveries have been made, and the merchandise has been sold for their benefit. Three of the four have confessed and have accused the fourth, who is now being prosecuted. Two of the three are here to testify against him and there is also evidence that he was arrested while attempting to escape. He is represented by a well known political criminal lawyer whom the magistrate addresses by his first name. This lawyer tells the magistrate that the testimony of accomplices is not admissible in evidence. The magistrate says: "Well, ———, you

know the law and if you say so, it must be so," and discharges the defendant. Of course, people are convicted every day on the testimony of accomplices.

SOME EXAMPLES

Here is the report of three civil cases heard by a Philadelphia magistrate in March, 1929:

"The first was a suit by a mechanic against a father and son, who had employed him to do certain work for $80 but, he alleged, had paid him nothing. The father admitted the making of the contract but said that it was in writing, and that the plaintiff had been paid $30. The son denied any part in the contract. The magistrate refused to hear about the written contract and gave immediate judgment against the father and son jointly for the full amount of the claim with costs.

"The next was a claim by an Italian carpenter against a woman who had hired him to make a glass door for $30. The woman was in court with her son. She spoke no English, and the son spoke it very imperfectly. The magistrate said: 'Do you want to pay?' 'Yes,' said the son, 'but the work was not finished; is broken.' Evidently he was trying to point out that the job had not been done satisfactorily. 'Judgment and costs,' shouted the magistrate, without listening further, and so quickly that the woman and her son did not understand what had happened. They were pushed aside, and the third case called.

"This was a suit by a young man against an employer, whose service he had left, for back salary at the rate of $15 a week. The plaintiff stated that he was employed at $2.50 a day to deliver packages. The magistrate told him not to be behind the times, that newsboys made $11 to $12 a week selling papers in the evening. The employer stated that the plaintiff had left his employ in the middle of the week, without notice, and owed him $10 which he had borrowed. 'Do you owe him anything?' asked the magistrate of the employer. 'Yes.' 'How much?' 'I don't know.' The magistrate then impatiently shouted 'Judgment for debt and costs.' No deduction was made for the loan."

DISHONESTY

The district attorney's office had only two or three detectives at its disposal prior to 1919, when the legislature, at the request of the district attorney then in office, much increased the force. In the course of the hearings on the bill for this increase the district attorney stated that a certain magistrate, whose conduct had been investigated by his office, would have been indicted had the district attorney had the necessary detectives: "There are back-room records and reports received by us showing that he is doing crooked work." In February, 1927, a magistrate was convicted, on his own plea of guilty after the commonwealth's evidence was in, of malfeasance in office, fraudulent conversion, and extortion. He had in one year collected and banked $87,993 obtained from defendants brought before him, chiefly on liquor charges. Two years later another magistrate was convicted of misdemeanor in office, extortion and bribery, and conspiracy to release prisoners upon insufficient and fraudulent bail bonds.

DEFECTIVE ORGANIZATION

If I were to go on to describe the careless records, the negligence in making required reports, and in accepting insufficient bail, the buffoonery at hearings; and all the other evidence of the utter incompetence of most of the men selected to fill an office so important to the community, you would agree that the personnel of the office needed im-

provement. But personnel is only a part of the difficulty. The third principal cause of the dissatisfaction with these courts is their defective organization. In Philadelphia there are twenty-eight magistrates' courts—separate little planets with independent orbits. In 1927 the legislature, at the instance of the local Bar Association, made the magistrates into a board under one of their number chosen by themselves to serve as chief magistrate for the remainder of his own term, and gave the chief magistrate the job of coordinating and supervising the work of these courts. But what can a chief magistrate chosen by his fellows do with such an organization and personnel? It is not in that way that real improvement can come, for the twenty-eight separate courts, the small-fry politician untrained in the law, and the admission of political influence, will remain.

POSSIBLE IMPROVEMENTS

I will set forth only very briefly the most promising measures of improvement. We need trained lawyers of good calibre and character for the work of the magistrates, organized in a single court under a president judge, who with the concurrence of his colleagues should have broad powers over administration and procedure. Getting the judicial work of the community well done is a business requiring business organization, methods and powers, as well as trained personnel. We have a Municipal Court in Philadelphia whose trained judges already possess all the powers which magistrates enjoy and who exercise a jurisdiction which includes theirs. The thing to do is to wipe out the magistrates' courts and enlarge the Municipal Court to take care of their work.

And now I come, in conclusion, to something as important as remedies, and that is what has been called the motive power for reform. Of course, the defects of the magistrates' courts are not the fault—except to a small degree—of the magistrates themselves. The magistrates are in politics and the community has provided these offices as political rewards for this type of man. The real responsibility must rest on the community. How is the community to appreciate and act upon this responsibility? First it must be informed. A beginning in that direction has been made by the Harrison Foundation, which employed me to write the account of the magistrates' courts reviewed elsewhere in these pages. Next there must be leadership by the bar.

Lawyers are too distrustful of the public. They are afraid to solicit its coöperation in obtaining reforms lest the public take the bit in its teeth and gallop away toward radical or unwise legislation. But the public is not necessarily radical. It is at times impatient, and well may be, over the delays, inconveniences and oppression to which a poor administration of justice subjects it. And lacking expert guidance, it will in time translate this impatience into unwise action. The Bar should therefore inform and guide the public toward desirable changes. The motive power for wise reform can come only from an aroused public led by a public-spirited Bar.

WISCONSIN ASKS "HOW GOOD IS YOUR TOWN?"

BY AUBREY W. WILLIAMS

General Secretary, Wisconsin Conference of Social Work

Using carefully prepared appraisal forms, Wisconsin communities take stock of their government facilities and services. :: :: ::

ANYONE who gives thought to how the affairs of a city are conducted must be impressed with the wide discrepancy between that which we know and that which we practice. There is doubtless much substance to the statement of Bertrand Russell that we know enough about medicine to make life physically safe, but from a relatively small number of deadly killers.

In brief, what we have is a fully developed dilemma. There are the high refinements in education, in community health, fiscal government, courts, departments of fire, police, safety, etc., which are for the most part used either only partially now or not used at all. Without much question, one reason amongst many for this failure to use improved methods lies in the fact that our policy-making public bodies as well as the citizens are unaware of, first, the facts with regard either to what is actually going on in our schools, health work, courts, or, second, with regard to the nature and benefits of the recent developments in the fields of medicine, education, administrative and substantive law, recreation, social work, etc.

THE WISCONSIN APPRAISAL FORM

One attempt to inform citizens and public officials of the salient facts concerning their government, schools, etc., has been made in Wisconsin through the development of an appraisal form which indicated what were the commonly held minimum factors which should be present in any government, which was attempting to meet modern requirements. These forms were worked out so as to set forth in simple language a school set-up that would include the most advanced ways and methods in the field of education. The same was done with regard to city planning, municipal government, libraries, health work, recreation, social work, religious work, industrial conditions, and living conditions.

When applied to any community, there is obtained a comparison of what is in use in a given community in the way of method, equipment, and to some degree what results are being obtained as over against what is held to be desirable by those whose training and experience represent the most advanced in educational methods, governmental work, etc.

This is what has been called, in Wisconsin, "measuring one's community." Such measurings have been made by citizens of their communities in some 70 Wisconsin cities, towns, and villages. The first of this work was back in 1925, when the Wisconsin Conference of Social Work, under whose guidance the appraisals have been developed, organized a "Better Cities Contest." The second, and more extensive development, was a joint effort last year, in which the

Wisconsin Department of the American Legion joined forces with the Wisconsin Conference of Social Work, resulting in some 50 communities "taking stock" of what they had in the way of schools, recreation, city planning, etc.

Fundamentally, the whole effort was to simplify contemporaneous culture and separate the threads of current living as it weaves the daily pattern of a hundred and one interests into knowable and understandable strands, which the average citizen can follow easily. And again the attempt included furnishing citizens and officials with a basis of comparison of what they have with what has recently been developed, and with a broader experience than is possible for one not specializing in any given field.

WIDE COÖPERATION IN PREPARING FORMS

Obviously, the task which such a work sets for itself was the translation of the meaning of one set of ways and means as against another set. It attempted to give citizens a set of tools by which they could make a meaningful comparison between what their communities had with what was held to be desirable.

In developing the forms, the work has had the benefit of the assistance of Professors F. A. Aust of the Landscape Design Department and H. F. Janda of the College of Engineering, both of the University of Wisconsin, who worked on the forms for city planning; Professor F. H. MacGregor, chief of the Municipal Information Bureau of the University of Wisconsin Extension Division, who worked on the municipal government form; Industry—Fred M. Wilcox, chairman of the Wisconsin industrial commission; Health—Dr. C. A. Harper, secretary of the Wisconsin state board of health; Education—O. H. Plenzke and John Callahan of the Wisconsin state department of public instruction, G. F. Hambrecht and C. L. Greiber of the Wisconsin state board of vocational education, Prof. A. H. Edgerton, director of vocational guidance at the University of Wisconsin, and Professor Joseph K. Hart, formerly professor of education at the University of Wisconsin and now at Vanderbilt University in Nashville, Tenn.; Library—C. B. Lester, secretary of the Wisconsin free library commission, Miss Harriet C. Long, chief of the travelling library department of the Wisconsin free library commission, Miss Almere Scott, chief of the University of Wisconsin Extension Division department of debating and public discussion, as well as the following from the public libraries of the respective cities—M. S. Dudgeon, Milwaukee, Miss Florence E. Dunton of Manitowoc, Miss Cora Frantz of Kenosha, Miss Leila A. Janes of Fond du Lac, Miss Aileen E. McGeorge of Stevens Point, Miss Jessie E. Sprague of Brodhead—all of Wisconsin; Recreation—Edgar B. Gordon, professor of music at the University of Wisconsin; Social Work—Professor John L. Gillin of the sociology department of the University of Wisconsin; and Town and Country Relations—J. H. Kolb, professor of rural sociology of the University of Wisconsin College of Agriculture.

WHAT THE FORMS CONTAIN

The material offered in the appraisal forms was divided into eleven parts—historical background, city planning, municipal government, industry, health, library, education, recreation, social work, town and country relations, and religion.

Each of these eleven major sections was then divided into parts corresponding to the organization of such work in communities.

In *City Planning*, the schedule was broken up into divisions covering the city plan itself, traffic conditions, zoning provisions, parks and public areas, and the appearance of the city.

In *Municipal Government*, parts were worked out on the whole field of finance control, public works and utilities, public safety, and there was a section worked out which would provide a gauge of civic wakefulness.

In *Industry*, the schedule was limited to an inquiry into the regularization of work. No attempt was made to gauge the type of industry, the extent or material resources of a given community. The schedule was limited to an inquiry with regard to the possibility of making a living, the cost of living, including, quite naturally, child laborers.

In the schedule on *Education*, the study covers the public school system, parochial schools, vocational schools, and contains an extensive series of inquiries with regard to informal instruction and the adjustment of the school to the needs of the pupils. There is a final section in the schedule which deals with attitudes toward the schools.

In the schedule on *Library*, there is a close-fitting, detailed series of inquiries which were worked out to show up each portion of the services rendered by the Libraries.

In *Social Work*, the schedules were worked out to bring into bold relief the machinery which exists in the community to aid the various groups of the socially incapable—the family, children, aged, delinquents, mentally defectives.

The schedule on *Recreation* sought to provide for giving facts with regard to the extent to which the municipality as such provides for recreation, and the sections were worked out to reflect the nature of commercial, private, and institutional recreation.

The schedule on *Town and Country Relations* was worked out with an effort toward providing a basis for the reflection of facts concerning the economic, recreational, educational, social, and religious relationships which exist between the town and country, the trade area being used as the basis of the compilation.

The schedule on *Religion* provided for the recording of religious units in the community, with their membership, financial support, and sabbath school organization.

THE SELF-APPRAISAL METHOD EMPLOYED

Inasmuch as the schedules were offered as a means whereby citizens could inform themselves as to the nature of their existing institutions—methods employed by those in control, equipment possessed, and some measure of results—the plan by which they are applied is obviously important. In the Wisconsin effort, the use of the schedules has always been posited on the participation of a city-wide citizens' group, representative of every major interest in the community. Attempts have been made, always, to guard against an "official reporting" by administrative heads of the various groups in the writing of these reports.

Recently, the communities in the state (listed on the following page) under the auspices of the Wisconsin Department of the American Legion, and the direction of the Wisconsin Conference, made use of the appraisal forms.

A total of about 2,500 citizens, in these communities, assisted in making studies of their own resources, based upon the use of these forms. It is apparent that most of the value of these, or any forms similar to them, depends upon a wide citizen participation in any studies that are made. It is patent that it would

Appleton	Elkhorn	Plymouth	Frederick	Janesville	Glenwood
Rice Lake	Grantsburg	Kenosha	Horicon	Ripon	Independence
La Crosse	Kewaunee	Luxemburg	Madison	Kiel	Sheboygan Falls
Stoughton	Oshkosh	Ladysmith	Washburn	Racine	Milton-Milton Jct.
Sheboygan	Waupaca	Osceola	Menasha	Lake Mills	Alma Center
Shell Lake	Menomonie	Bangor	Somerset	Two Rivers	Mineral Point
Alma	Wabeno	Antigo	Oconto	East Troy	Cottage Grove
Walworth	Brodhead	Phillips	Footville	West Salem	Platteville
Columbus					

have little value, for, say, a school superintendent, a librarian, a city engineer, to fill out such forms although they do form a source of information for the citizen making the study.

The whole plan also contemplates a joining together of state and community forces, if the greatest benefits are to be realized from the employment of the appraisal forms. In the Wisconsin experience, the department of health, the department of public instruction, the bureau of vocational education, the library commission, the industrial commission and various departments of the University of Wisconsin played a large part in the work that has been done, not only by participating in the forming of the standards set forth in the appraisal forms, but by grading the citizens' reports made on the basis of these forms. In the Better Cities Contest a report was made to each community of methods and equipment in use, this report back to the community having been worked out coöperatively between the state departments and the Wisconsin Conference of Social Work. Thus each community which participated in that first effort was given an authoritative measuring stick indicating the extent to which each was utilizing approved methods and equipment. The effort has also resulted in the establishment of a coöperative relationship between numerous communities and the state departments, and state private service agencies and is further resulting in the establishment of full time municipal recreation programs, health departments, city plans, and in general, tying the state departments and the municipalities together in a common effort.

DOES THE PROBST RATING SYSTEM RATE?

I. NO

BY LEON BLOG

President, Los Angeles Municipal Engineers' Association

Los Angeles municipal employees, declares Mr. Blog, are dissatisfied with the Probst Rating System, which was described in the REVIEW *for March.* :: :: :: :: :: :: :: :: ::

OUT here, in Los Angeles, the municipal engineers, on the whole, condemn the application of the Probst System described by its inventor in the March, 1931 issue of NATIONAL MUNICIPAL REVIEW. A few who happened to get a higher rating than they ever held under the existing system may enthuse over it. Even these few can see that a new department manager not liking them so well might use the Probst System to grind out a much lower rating. Anyone who wishes to inquire will find that the dissatisfaction with this system is not confined to the engineers, but will be found with clerks, accountants, stenographers and other employees of the engineering department. By far the greater number of the executives repudiate the system because its ratings did not rate the men as the executives thought they should rate.

EMPLOYEES DON'T LIKE TO BE RATED

In our opinion, it is not true that the average employee wishes "To see oursel's as ithers see us." Human beings do not relish criticism, especially when it is so personal. Some of the questions which are found on the rating sheet we consider irrelevant and immaterial to the question whether we are capable of doing work of quality and quantity. This is all that should matter with regard to any employee.

Considerable bitterness has been created toward the supervisors because on May 15, 1931, the Probst Ratings sheets were for the first time handed out to the employees, and they read what their chiefs thought of them. The proponents of the system (those who were sold upon it by Mr. Probst or his agents) now wish to save its face by saying that these first ratings should be looked upon only as an experiment. They say that the next rating will be better because the supervisors will understand the system better. That cannot be true. The supervisors were supposed to answer the questions on the rating sheet truthfully, without bias or prejudice. They cannot now unsay what they said about any employee without becoming prevaricators.

In our opinion, the Probst System of Service Rating may be likened to a process in logic. The rating sheet constitutes the premises. The stencil and slide rule together are the reasoning processes. The rating is the conclusion. When the premises are wrong, it matters not how accurate the reasoning may be. The conclusion will be wrong.

PROCEEDS ON WRONG PREMISES

We contend that the premises are wrong. A man may be slow moving but have an alert brain compensating therefor. He may be active and not strong but the job does not require

strength. He may not have a pleasant voice but his work does not require it. There are about 100 such questions dealing with characteristics of the employee. Who can say with truth how much more valuable speed is than mentality, how much more weight should be given to activity than strength or vice versa, or whether any or all of these are more or less valuable in an employee than a pleasant voice? There is absolutely no scientific basis for evaluating these characteristics relatively to one another. We assert that there is no scientific relationship between standings of the various employees in a group when rated under the Probst System. We welcome proof that there is.

Output is another factor in rating. Take any or all of the questions which reveal a worker's output in the division of bridges and structures, city of Los Angeles. It is largely a matter of accident whether a worker gets a succession of difficult or a series of easy assignments. Or he may get alternately easy and difficult jobs. It depends upon what has to be done at the moment that he finishes an assignment. We have a force of at least thirty men. It is physically impossible in work of such complex character as bridges and structures for the head of the division and the other two raters to evaluate the output of each member of the force during the period between ratings whether that be six months or one week. The most that can be observed is this: the man who gets all difficult jobs will naturally turn out fewer of them. This may be registered in the executive's mind. The man who gets all easy jobs will of course stand out as a producer. Unless the executive can equate the small number of difficult jobs to the larger number of easy jobs he cannot properly rate these two men on output. When we have the case of alternately difficult and easy jobs the rating is still more difficult.

RATING POSSIBLE ONLY ON IDENTICAL TASKS

This sort of work is not mass production in which several hundred men may be working at identical operations on similar machines. The premises being wrong, the conclusion cannot be right despite the ingenious tools used in arriving at the conclusion, i.e., the rating. The writer has made thousands of time and motion studies on operatives for the purpose of establishing the standard time for average men as a basis of wage payment. He believes that men can only be rated with any degree of science upon identical tasks.

Take five men out on a rifle range. Stand them at 100 yards from five identical targets. Arm them with identical rifles in equally good condition. Give the command, "Fire." Check the five targets for hits. You can then rate the five men upon their marksmanship. The results did not depend upon whether the man was short or tall, active or strong, courteous or pleasant, reliable or coöperative. He either hit the target or he did not and one man shot closer to the bull's-eye than another. The men could be rated because they were being tested upon identical tasks under standard conditions.

The fact that the system has been "sold" to some cities or states does not prove that it is working satisfactorily. Some people are easy to sell. It may not have been in operation long enough to show up its inapplicability as yet. Also, the situation may be such that the employees do not dare to speak their minds upon the subject because the supervisors, having "bought" the system, do not dare to reverse themselves and admit that they spent money unwisely.

We urge those who may be thinking

of introducing the Probst System amongst their employees to investigate at first hand its performance elsewhere and, even then, to ponder carefully whether it can be introduced without creating the antagonisms which employees here now feel toward their superiors and toward one another since the first rating sheets were returned to the employees for their perusal, to enable them to see themselves as others see them.

II. YES

BY FRED TELFORD
Director, Bureau of Public Personnel Administration

The Probst system may disclose facts that some employees would prefer to keep hidden, but the new tool will prove useful to taxpayers, management and employees alike. :: :: :: :: ::

DURING the past year I have made a consistent endeavor to follow very closely the use of the Probst Service rating system not only in the Los Angeles city service but also in the California state service, the Cincinnati city service, the Detroit city service, the Westchester, Hamilton, and Multnomah county services, the Long Beach city service, the Duluth city service, and in some other places.

One of the marked characteristics of the Probst system of service rating is that it brings out into the open facts which some people would prefer to have remain hidden. Undoubtedly it is not always a pleasant thing to rattle the skeleton in the closet. There is no doubt in my mind, however, that in the public service the only safe course is to secure facts regarding the various operations for such use as the management, the budget and personnel authorities, the department heads and their principal assistants, the organized and unorganized employees, civic agencies, and the general public may want to make of them. If the city is running behind in its finances that fact should be known. If many miles of new road are being built that fact should be known. And if any officers and employees are rendering exceptionally good service, exceptionally poor service, or average service, that fact likewise should be known.

RESULTS FAIR ON THE WHOLE

In the Los Angeles city service there is no question that the use of the Probst system disclosed facts regarding the performance of some employees which those employees would have preferred not to have explicitly made known in cold print. Likewise there is no question that in some cases, through inadvertence, through failure to understand the fine points of the system or possibly even through discrimination, some reports made by supervisory officers were incomplete, inaccurate, or even biased. There is no question that on the whole the reports were remarkably fair, impartial, and complete. A small group of employees undoubtedly considered themselves unfairly treated. In my opinion the system as administered in the Los Angeles city service provided a means by which any injustices done any employees could readily have been corrected. I cannot agree with the small group—and

I am quite sure that the group is small —that because some employees feel dissatisfied the Probst system should be damned out of hand or abolished. I know from first-hand observation that the Los Angeles city civil service commission will take all reasonable measures to correct any improper reports and I am equally sure that department officers with very rare exceptions will willingly coöperate in these measures—and the few who will not will by that very act condemn themselves as inefficient.

A NEW TOOL NEEDED

I am quite convinced from my observations that a half a day of honest effort to correct any injustices that have been done would result in remedying any improper reports and ratings. And there is no necessity either for abolishing the Probst system or for modifying materially the manner in which it is being administered. The management, the taxpayers, and the employees themselves need this new tool in bringing about a better method of handling personnel matters which is based upon verifiable facts instead of upon impressions and it is essential from the point of view of the hard pressed taxpayer to discover which employees are rendering especially good service, which are rendering merely average service, and which are rendering especially poor service, in order that discriminating treatment may be accorded them.

At present the Probst system is the only system of service ratings which makes this discriminating treatment possible and to me it is all but unthinkable that the city of Los Angeles should abandon its progressive and forward looking attempt because a handful of employees feel without any adequate reason and without attempting to use the remedial machinery set up that they are mistreated.

COUNTY-MUNICIPAL SEGREGATION PLAN PROPOSED FOR NEW JERSEY

BY HARLEY L. LUTZ

Professor of Public Finance, Princeton University

The director of the New Jersey study of municipal finances explains the proposal for tax reduction through a rebuilding of local government units to reduce overhead and increase efficiency. :: ::

THE study of the organization, functions and expenditures of local governments in New Jersey gave emphasis to a condition already thoroughly familiar to students of local government.[1] This is the enormous excess of local governmental units and agencies, and the maladjustment of functional responsibilities which now exists among these agencies.

Confronted by the problem of indicating plans for simplifying the local governmental structure, certain alternatives were proposed in the above

[1] *Report No. 1, The Organization, Functions and Expenditures of Local Government in New Jersey*, by the Commission to Investigate County and Municipal Taxation and Expenditures (also known as the Tax Survey Commission), Trenton. 1931.

mentioned report, each of which involved a greater centralization of administrative and financial responsibility, and a readjustment of functional relationships between local and central governments. One of these plans, which was described by the title "County-Municipal Segregation Plan," will be briefly outlined here.

SIMPLIFY THE TYPES OF LOCAL GOVERNMENT

In substance, this plan aimed at the elimination of the duplication of authority which exists in the maintenance of both county and municipal government over the same area. The segregation proposed was a separation of county and municipal jurisdiction, whereby the larger municipalities would become independent of the county although remaining within its boundaries, while the county would become the chief administrative agency for the rural portion of its area. It is, essentially, a device for separating urban from rural administration. New Jersey has a number of cities of substantial size, each capable of providing the agencies for satisfactory local administration. It also has some hundreds of small municipalities, urban and rural, which are not adequate in size and resources to deal with many important matters now devolving upon them. Instead of maintaining a complete duplication of agencies over the larger as well as the smaller municipalities, the segregation of municipal from county administration would remove the larger places from the county jurisdiction, from the county tax rate, and from the county services.

This plan was not deemed to be capable of universal application throughout the state. Owing to the diversity of conditions, perhaps three different lines of local reorganization are needed. One is the complete elimination of the county in the metropolitan area, with some consolidation of municipalities and the introduction of regional government, the metropolitan "region" proposed by the Regional Planning Commission being a kind of glorified county. Another is the "strong county" alternative suggested by the Tax Survey Commission in its first report, a type which appears better suited to the rural, sparsely settled portions with no important population centers. The third is the segregation plan, chiefly applicable to those sections in which there are, in the same county, both important urban development and a considerable rural territory divided into small, usually weak municipalities.

That is, in some parts of New Jersey the county is already a superfluous local unit because of the extent of urbanization and the need of a larger administrative area than the present county. In other parts, on the other hand, the county is the most promising local unit and it should be further developed as such. In still other parts, a fairly sharp distinction is called for between rural and urban administration. The segregation plan permits simplification of local government by opening the way for rural reorganization without the dangers and drawbacks of a conflict between rural and urban interests.

A possible overlap of county and regional organization in some places was conceded, since the boundaries of the proposed metropolitan region extend beyond the limits of the present congested area, into territory in which county-municipal segregation would be appropriate. There would be, however, a clear-cut separation of functions between the local and the regional units.

It was recognized also that with continued population growth, the pattern

of local government would probably require further modification in future. Flexibility of structure is insisted upon, in order to maintain the flow of governmental services upon a minimum cost basis.

READJUSTMENT OF STATE AND LOCAL ACTIVITIES

Both the segregation plan and the strong county plan involve some functional readjustments. Certain former county functions would be transferred to the state. These include a considerable part or even all of the county roads, the custody of persons under sentence, the care of diseased and dependent persons in county institutions, and the cost of courts now falling upon the counties. The object in each instance is two-fold. First, there is the need of securing an equalization of tax burdens by utilizing new sources of revenue to carry the cost of functions formerly financed by local property taxation. Second, there is the need of providing a more efficient and economical administrative area.

The tax equalization argument was based on the assumption that state administration of new taxes is far superior to local administration, an assumption which requires no argument. It was also assumed that less difficulty would be encountered in providing for the cost of these services through the state budget than in working out an acceptable system of state grants to local units for the purpose of effecting local tax relief.

The transfer of the costs of certain functions may involve complete state administration in certain cases, while in others it may mean the utilization of the county as an administrative district, operating under complete state supervision and with state payment of the budgeted or standard costs. This would be, in effect, a widening of the administrative area, through the extension of the state's supervisory control. State institutional care of the insane and feeble-minded, and state custody of prisoners are beyond question superior to county handling of all such cases. Judges are now appointed by the governor, and the removal from county budgets of such court costs as are now borne locally would eliminate one form of mandatory local expenditure, which is in general a source of friction between local and central authorities in New Jersey. Some further details of the proposed administrative relationship between state and local units, arising out of the general plan for the relief of local taxation, will appear in the reports soon to be published.

The importance of regional organization for dealing with certain matters was also recognized. Such things as trunk sewer construction and sewage disposal, water supplies including the control of water rights, the construction and operation of reservoirs and trunk line water conduits, and transit facilities, are in the list of those responsibilities which clearly extend beyond the boundaries of the north Jersey counties.

"INDEPENDENT" MUNICIPALITIES AND THE COUNTIES

Significant readjustments would occur between the "independent" municipalities and the counties under the segregation plan. The key to the whole idea is found in the predominantly urban character of the New Jersey population, more than 80 per cent of which was classed as urban in 1930. It seemed advisable to recognize the relatively greater strength of the sentiments and prejudices for municipal than for county identity, and to aim at simplification by establishing an administrative and functional cleavage

between county and municipal government, in those sections where these two forms are found in duplication over territory presenting a marked contrast between rural and urban conditions.

The relation of the county and the segregated or independent municipalities is thus pictured in the language of the report:[2]

> In substance, the plan would provide for a single form of local government over any area—a city government if the usual and characteristic features of urban life were present, or a single consolidated special type county government for the rural areas and the small hamlets which were not recognized as independent municipalities. The county, as a district, would have its boundaries as at present, but so far as the independent municipalities were concerned, it would be only a shell. It would collect no taxes on city property, and perform no services in the cities. The city tax rate would be reduced by the amount now levied for county purposes. In the other direction the special rural government would take over the administrative responsibilities of the rural townships, which have been found to be mainly roads and schools, thus materially reducing the rural township tax rate. In every part of the state there would be one and only one form of local government, which would be either a city or a county. The duplication of county and municipal government would disappear, and the responsibility for all local tax levies in cities would be laid on the city authorities, while the responsibility for all local taxes in rural areas would be laid on the reconstituted county authorities.

AUTOMATIC ANNEXATIONS

For the future, in recognition of the strong tendency toward urban expansion, the independent municipality would be given the right of way over the county, so far as concerns the growth and annexation of newly settled territory. Settlement beyond the confines of a municipality, through the formation of new subdivisions, would not result, as at present, in the formation of small separate municipalities. The aim being to avoid a duplication of local governments, it becomes necessary to provide for automatic annexation as the status changes from rural to urban. This is a question of fact, easily decided by the filing and acceptance of a subdivision plat beyond the former city boundary. Filing and acceptance would be regarded as annexation, an arrangement which avoids the hazard of a referendum and one which enhances the city's control of orderly planning and growth. If the proposed subdivision were contiguous to more than one independent municipality, some competition might ensue to determine which should annex it, but this could be left to take care of itself. The difficulties now created by the satellite municipality would disappear since there would be no more satellites of this character.

The smaller municipalities which did not acquire independent status by building up their own administrative services, would be disorganized as such. The new type of county government would be in effect, a reorganization of the rural area of the townships and of such small hamlets as could not economically justify independent status. Freedom of experiment is suggested in this connection, since some of these small ambitious places might wish to try the experiment of being independent. They should be free to disorganize and reënter the county if the verdict ran against the economy of the experiment. The new county organization would provide for roads, schools, police and other services over the rural areas. It would become a specialized type of rural government while the city would continue as the similarly specialized type of municipal or urban government. The present county boundaries would serve as administra-

[2] The Tax Survey Commission, *Report No. 1*, p. 218.

tive districts for such purposes as would suit the convenience or the practical needs of the state. They could be used as election districts, as a basis for determining the representation in the legislature, as judicial districts, assessment districts, or for any other purpose which the state might require.

The disposition of county property not required for the new type of county function or by the city now serving as the county seat and the discharge of existing county obligations are matters which would require some time for final clearance. A county-wide tax levy for some of these purposes might be needed until existing indebtedness which could not be satisfactorily apportioned were paid off.

The Tax Survey Commission's report does not undertake a final determination of many matters of detail, nor a complete rebuttal in advance of some objections which might have been anticipated. The fundamental purpose was that of pointing the way for a reduction of governmental costs and of the local taxation to meet these costs, by planning a simplification of structure, with a suitable reallocation of functions. The county-municipal segregation plan was offered as one possibility for accomplishing these results.

BRITISH MAYORS

BY CLINTON ROGERS WOODRUFF

An ancient office enjoying symbolic prerogatives is in danger of becoming "politicalized." :: :: :: :: :: :: ::

Our American mayors cannot compare in dignity or grandeur with our British brethren, nor for that matter with their Canadian confreres. There are many who are inclined to think that the robe, chain, cocked hat and white gloves are, for the most part, relics of a more spectacular age when lace and frills were a part of masculine attire. The fact that each has a definite significance of ancient origin, in which the factor of appearance plays no part, was recently explained during the installation of a Canadian mayor by the town clerk.

THE RIGHT TO A ROBE AND A CHAIN

The conferring of the right to wear a robe and chain of office is a custom that has its origin in times so long ago that they have become lost in the mists of antiquity. Sufficient is known, however, to prove that they were used as marks of distinction and favor, and were conferred only upon persons deemed to be worthy of them. Biblical history is full of accounts of persons upon whom these marks of distinction and favor were conferred. For instance, in the Old Testament we have the story of Daniel, upon whom King Belshazzer conferred the honor of a scarlet robe and a chain of gold when Daniel had interpreted the writing upon the wall after all the king's magicians had failed. Then again in the New Testament we have the story of the prodigal son, who on returning repentant to his father had the best robe placed upon his shoulders, and a ring upon his finger to show to all that he had received his father's forgiveness and was once more promoted to a position of honor in his father's family.

Through all the centuries we find that the robe and chain have been adopted as an outward and visible sign of honor, distinction, and favor, a token of authority, whether it be the coronation robes and chain placed upon the persons of the sovereign at his coronation, the robes with which our judges are invested, the cassock, surplice and stole, worn by the clergy, or the robes and chain with which the mayors of cities and boroughs are invested.

The word mayor it will be recalled is the anglicized form of the Latin *major* meaning greater. The mayor may, therefore, consider himself to be the greater man of the city, not in any vainglorious sense, but as the chief or first citizen, in which position he is placed by the choice of the majority of his fellow citizens for the purpose of looking after and watching over and conserving their best interests.

That, at least is the British conception.

COSTUME IS SYMBOLIC

This robe is usually of two colors, black and white, to remind him that in all questions coming before him when presiding over his council he must bear in mind that there are always two sides, and it is his duty to judge impartially, to act with fairness and consideration towards those whose opinions may differ from his own.

Encircling the robe is a border of white fur. White is the emblem of purity and honesty and the fur for humility. As the white of the robe encircles the black it is intended to point out that purity of mind, honesty of purpose and humbleness of heart must always govern the mayor's actions and keep all unworthy motives within bounds.

The chain is an emblem of servitude. In ancient times the wearing of a collar was regarded as a badge of slavery. Slaves were compelled to wear a collar of gold or some other metal, upon which was inscribed the names of their owners. With the abolition of slavery, that custom has long since passed, but we can still see the custom of the slave's collar perpetuated by the white collar worn by the clergy. The wearing of the white collar signifies that they are, to quote the words of St. Paul, the "servants" —the bond-slaves—of Jesus Christ. So the chain is to remind us that in addition to being the chief man, the mayor is also the servant of the people, and inasmuch as the slaves of olden times were compelled to render service to the utmost of their ability, so in like manner the mayor must remember that he is not only the "greater man," but also the "chief servant" of the people, a thought that may well be borne in mind by all mayors, British or American.

The British mayor's hat is so made that it points both forward and backward, to suggest that while the mayor must look forward to the future with courage and determination, he is also to profit by the experience that has been gained, and endeavor to achieve greater success by the avoidance of any mistakes that may have been made. The hat is worn above the eyes and is so made that the sides of it point upward being slashed on one side with a golden stripe. The upward point is to direct his eyes to the Supreme Power to whom he may always look for guidance, and the golden stripe is an indication that the blessings of Heaven will always shine upon upright and worthy motives.

Certainly this is a beautiful symbolism that might very properly and with advantage be transplanted to this country. For we do not as a rule hold our mayors in sufficiently high esteem.

As Professor Munro in his *Invisible Government* points out, it is an elementary principle of practical politics that the sovereign populace usually votes its resentment, not its appreciation. As a rule, the average citizen does not vote *for* anything, but *against* something. He keeps a one-sided account. His ledger has a debit side only, with no credit side. He makes a mental entry of everything that encounters his disapproval; but what pleases him he takes for granted and simply dismisses from his mind. If taxes go up, he remembers it; if they go down, he forgets. On the face of things one might imagine it good politics to offend forty per cent of the voters if such action was assured of approval from the remaining sixty per cent; but the seasoned campaigner knows that this is the mathematics of a simpleton in politics. He has no patience with a quantitative theory of votes and voting. Ballots are counted equally, no doubt; but not all voters are equally susceptible to the same motives in casting their ballots.

More than any other of England's municipal authorities, the corporation of the city of London is the embodiment of the strength that comes from trading and vast possessions and ancient lineage. It represents the merchants and the bankers who finally decide the fate of every undertaking conceived in the name of local government, until a means is discovered that will enable the cost of works to be defrayed from some other source than borrowed money. When Sir William Waterlow occupied the lord mayor's chair several years ago he devoted the principal part of his lord mayor's show to the representation of two leading industries—the printing and the motor trades. No other two of Great Britain's industries could have been selected as more responsible as standards of wealth and power. Elephants and the chorus girl, on occasion, as the London *Municipal Journal* declared, have been the salient features of lord mayor's shows. Lord Mayor Waterlow however, was a master printer, brought out the monotype and six cylinder chassis and they made admirable publicity and were rewarded by the largest crowds to witness a lord mayor's procession since the king's coronation. That alone indicates, as the *Journal* pointed out, that the age in which we live loves accomplishment, and has a veneration for work. Indeed, all the events that surround a lord mayor's show and the banquet by which it is succeeded are an obeisance, both on the part of high authority and the populace, signifying their dependence on money and on trade. Nothing more clearly indicates the essentially practical nature of the London municipal organization than a rational lord mayor's show; it also serves to impress upon the people the significance and importance of municipal government.

A DIGNIFIED OFFICE

Some idea of the value attached to the lord mayoralty of an English city is to be found in the controversy that broke out several years ago in the city of Bristol over a question of precedence. The claim had been set up that the lord lieutenant of the city of Bristol took precedence of the lord mayor of that city, but it was concluded that the claim could not be supported. The decision of Lord Chief Justice Cockburn in 1860 laid it down that the precedence confirmed to the office of mayor by the Municipal Corporations Act, 1835, applied to social as well as to official precedence in the town or city.

In the city of London the lord mayor takes precedence over every subject of the crown, including princes of the blood royal, and holds a quasi sov-

ereign position. By virtue of his office the lord mayor of London is the head of the city lieutenancy and has the privilege of recommending to the sovereign the names of persons to fill vacancies occurring therein. The circumstance that the lord mayor is the chief magistrate of the city places him above the lord lieutenant.

As it happens the mayor of Bristol was appointed the king's escheator by Charter of Edward III, so that he is as much a king's officer as the lord lieutenant, who dates from King Edward VII's warrant of 1904. The erudite town clerk of Bristol showed that Queen Elizabeth herself, who knew how to please the citizens, actually sent the Earl of Pembroke, who was lieutenant of Wilts, Somerset, and Bristol, to prison because he presumed to attempt to raise the levy in that loyal city.

In High Wycombe, England, the weighing-in of the mayor and his assistants has been a custom since the year 1285. Probably this was a serious matter when it was first instituted; else it would not have endured. Though it is practiced to this day, the citizens of High Wycombe find high amusement in it. Their viewpoint, however, has changed as the manners have changed with the passing years. A few American cities are adopting innovations in this twentieth century which may seem farcical at a later time, should they last.

Perhaps the former citizens of High Wycombe judged the ability and integrity of new officials by weight and size, for it is unlikely that they had any kind of a Bertillon system that could be used in a polite manner to encourage honesty and good government.

Cities and towns in this country have strayed into "musical extravaganza" enterprises that have gone far enough, although they have not nearly approached several British and German municipalities. In one American city there is a municipal grocery store maintained for the benefit of dependents. Another city proposes a municipal coal and wood yard. Another city has raised its mayor's salary from $2,000 to $2,500, because he spends $500 a year in giving presents.

European cities are more eccentric. Some of them conduct tanneries, bird stores, milk depots, restaurants, book stores, binderies, saloons, cobbler shops, ice cream parlors, coal and wood yards, and establishments that scarcely would invite individual speculation and industry. So, in many respects, the weighing-in custom that prevails in High Wycombe is not the strangest municipal feature in Europe and America.

RELATION TO PARTIES

In England it has been generally understood that the mayors were to be independent of party, but "Labor" has made its mayors political partisans. In London there has been formed a Metropolitan Labor Mayors and Ex-Mayors Association. It is a strong party organization that campaigns for "Labor purposes." The political mayors have worked their way into the ministry of health and the Fulham Borough Council has felt it necessary to lodge a protest against the action of the minister of health in empowering and requesting this political mayors' association to arrange for the appointment of an important delegation in connection with such a far-reaching matter as the continuity or otherwise of the metropolitan common poor fund. Fulham thinks that if an expression of opinion is desired in such matters, the usual channels should be utilized in obtaining the views of properly elected bodies. It certainly is not popular government to ask a party organization to discharge func-

tions that involve the financial interest of the whole metropolis. "We know that the Labor people are clever campaigners," the *Municipal Journal* says, "but the ministry of health ought not to succumb to the wiles of men who merely make use of the machinery of local government for party purposes. What would Labor say if the ministers had invited the assistance of Tory mayors and ex-mayors in aiding him to come to a settlement of the difficult financial problems associated with the common poor fund? Labor, we regret, has introduced a most undesirable element in local administration."

Reports from all parts of England make it clear that almost without exception the choice of mayor at recent elections, has been decided by political considerations. The available figures are not precise, but, excluding London, it seems that 142 mayors state their allegiance to the Conservative Party; 73 are Liberals; 51 Labor. In forty-one cases the mayor's politics are not stated; nineteen claim to be Independents; there is one Independent Conservative, one anti-Socialist, and one Municipal Reformer.

REGIONALISM—A NEW APPROACH TO THE GOOD LIFE

BY CHARLES S. ASCHER
City Housing Corporation

Regionalism takes on a new meaning and significance for municipal administration. It affects social, economic, and political values.

The Institute of Public Affairs held in July at the University of Virginia conducted a Round Table on Problems of Municipal Administration. The roster of speakers looked like the list of the executive committees of the National Municipal League and the International City Managers' Association rolled in one. The program covered police administration, taxation, budgeting, public welfare; but it is not my purpose to report on these discussions, because, unfortunately, I did not hear them.

When I arrived at Charlottesville, the captains and the kings were departing rapidly. During the following week their places were taken by a varied array of poets, agricultural chemists, sociologists, city planners, philosophers, architects, lawyers—and a state governor—who met to discuss what was called "Regionalism." Even the speakers were chary of defining this term, and the discussion was broad in its range. It was philosophical in tone—and not so directly concerned as Professor Thomas H. Reed and his city manager and research bureau friends with how to get things done. None the less, out of the discussion came a point of view and a challenge of interest to municipal administrators; there was sounded a note, which, as it swells in intensity, should affect municipal administration; and if regionalism is a sound philosophy, it must look to municipal administrators to help it realize its ends.

THE TREND TOWARD THE METROPOLIS

Of course, it is no news today that a group met somewhere to discuss planning. As Stuart Chase said at Char-

lottesville, one would as soon appear on the streets without his trousers as without a five or ten-year plan for something. As for city planning—the National Conference had held its twenty-first annual meeting only a few weeks before. As for regional planning —that phrase has been heard, too: the department of commerce in January listed sixty-seven official and unofficial bodies called regional planning organizations.

Most of the regional plans now under way are technical extensions of city plans, recognizing that our present urban units transcend local political boundaries. The region they deal with is usually a metropolitan area which must study its highways, transit, water supply, recreation, etc., in a comprehensive and unified way. Flavel Shurtleff, in describing the Regional Plan of New York and Environs and similar projects, put forcefully before the Round Table the problems that metropolitan planners have to deal with.

There is no doubt that this kind of planning is a response to immediate needs. Professor Roderick D. McKenzie of the University of Michigan, who has made a special study of urban trends, presented a devastating array of statistics revealing the continued accelerated trend toward the metropolis. A social scientist who is trying to study human ecology as others study plant and animal ecology, he painted a picture of a society clustering in great centers, dominated by the centers, each of which tends to duplicate the functions of the others. The population is one of migrants—the shifts from center to center are almost as great as those from country to city. People do not live where they grew up. The equilibrium is mobile, not biological; and with this great individual mobility goes individual insecurity. Such communities, with their heterogeneous groups, with their wastes of obsolescence, of blighted areas, of shifts in use, present great difficulties in municipal administration, as they do in other fields of economic planning.

REGIONALISM AND CIVILIZATION

The challenge of the Round Table on Regionalism was whether there were not other values to which governmental planning should direct itself: whether, however much improved the circulation and transportation, under the most hopeful of metropolitan plans, such metropolitan living provided the good life—whether under the dominance of the metropolis, the good life could be led even on the farm.

The significance of the Round Table was the diversity of the people who raised these questions. Southerners particularly (since the meeting was in the South) expressed their fear that metropolitanism, coming in the wake of the new industrialism, would inundate them, and, in making over their communities in the industrial-city pattern, wipe out a distinctive heritage which the South prizes. Thus Stringfellow Barr, editor of the *Virginia Quarterly Review*, pleaded brilliantly that the end of the plantation as an economic organization need not mean the end of the social and cultural values which flowered there. John Gould Fletcher, poet, "neo-Confederate," contrasted what he called "false cosmopolitanism" with respect for the genius of the region, those forces which Patrick Geddes has symbolized under the three heads of place, work, folk.

Lewis Mumford, for another group, those influenced by men like Geddes and Ebenezer Howard, described regionalism as the consideration of city, village and permanent open space together as one complex; with regard for the balanced environment and

settled mode of life. In this view, the city is to be studied not in terms of the physical area it is to cover, but the functions it is to serve, the institutions which properly belong there. And such studies should, with greater knowledge, show us that there is a norm even for industrial-age metropolises: an optimum size, beyond which they cease efficiently to discharge their legitimate functions.

It was an agricultural chemist who presented one of the most stimulating pictures of a regional movement. Professor C. M. Ford, of Western Teachers College, Bowling Green, Kentucky, told of the leadership which his institution is taking in trying to make of the limestone corridor of Western Kentucky, covering parts of forty counties, a region which will have greater economic and cultural self-sufficiency. This means two things: that all the technical resources of the college are to be turned to a study in economic geography—a survey of the present uses and the possibilities and needs of the area; and, even more, that the college should so mould its educational objectives that its graduates will feel a life in Western Kentucky to be a good life, instead of allowing themselves to be sucked into a distant metropolis. The studies made show that this region needs industry, to balance its agriculture, to provide nearer markets and materials; but I am sure, after hearing Professor Ford, that the survey will never turn into a "Boost the Limestone Corridor" movement.

REGIONALISM A POINT OF VIEW

There was no program adopted at Charlottesville: no five or ten-year plan. But this is because regionalism, so considered, is a point of view, not a diagram or a code. Unsatisfactory as our internal political boundaries are, regionalism does not yet offer to replace them with new ones which will cure all our problems. In fact, regions will vary according to the function being considered. Dr. O. E. Baker finds about 220 agricultural regions in this country, based upon soil studies; J. Gordon Bohannon, president of the State Port Authority of Virginia, entrusted with the development of the Port of Hampton Roads, described to the Round Table the region served by his port, constituting parts of ten states. For economic planning, such as the allocation of new capital *a la Russe* (if our government is to go in for such things), Stuart Chase, in his paper, did not see how any region less than the entire United States would do.

This means, then, that the regional point of view can touch municipal administration all along the line. Mr. Bohannon let us see clearly that it affected his conception of the purposes of his Port Authority. The object, he said, is not to create a super-port, but one that will best serve the development of the region tributary to it. Would these not be sweet words for the interstate commerce commission to hear from the chairmen of all port authorities along the Atlantic Coast? What would a regionally minded rather than metropolitanly minded study do to our railway rate structure, and consequently to the distribution of our population?

Governor Franklin D. Roosevelt of New York, in an informal and reflective talk of great interest, showed regionalism at work in his state government. He told of the survey of a single rural county which showed that twenty-two per cent of the land now in farms should, from the standpoint of scientific agriculture, never have been put under cultivation, because it could not yield anyone a living; and he told of the various schemes being considered to accelerate the pace at which that land

should be gotten into its more appropriate use—whether that be afforestation, or permanent recreation space. This example was particularly noteworthy because it showed that proper regionalism is not merely a "back to the farm" movement: it is a study of relationship, of function.

RELATION TO SMALLER GOVERNMENTAL UNITS

Even within the smaller governmental units, the regional point of view can be effective. Take the field of transit and circulation, which is so much in the forefront. The deputy county engineer of one of our metropolitan counties famous for its progressive program of highways and parkways tells me sadly that, with all the technical brilliance of its staff, his department is in a losing race: fast as they open roads, the public rides faster. Regionalism here, I take it, suggests that equal technical competence be devoted to the study of so locating people's homes, work and play that the need for some of the riding be eliminated.

Even our school boards, and state boards of education, can use some regionalism. Professor Howard W. Odum, of the University of North Carolina, told of the youthful pride with which he, as a young teacher twenty years ago, had sent more boys to the state university from the little village in which he then taught than came from any other village its size in the state. A recent visit, twenty years later, revealed that not one of those boys was now living in his native town: as Professor Odum now confessed, he had gutted that community of its most valuable natural resource, its bright young men.

AN APPROACH TO THE GOOD LIFE

If regionalism offers a sound approach to the good life—and the several score people who attended the Round Table, whatever their difference of background and vocation, felt that it did—the reciprocal question arises: what can the agencies of municipal administration do to promote it? I do not see how it can get along without them: indeed, as I have tried to show, it is often merely a matter of infusing a different point of view or objective into some municipal activity now already under way.

There are two phases to regional plans: their formulation and their execution. Government can help with one, it is indispensable to the other. There seem to be two fundamental branches of comprehensive economic planning: the control of the flow of capital funds, which as Stuart Chase pointed out, is the essence of Russia's noble experiment; and the allocation of the uses of land. The first of these may be outside the province of municipal administration for some time: but there are a number of governmental tools at hand which rightly guided will promote the second. It was Charles W. Eliot, II, director of planning for the National Capital Park and Planning Commission, who shrewdly pointed out at Charlottesville that physical planning is "the easiest end of the stick to get hold of." There is public acceptance of its techniques: they are sanctioned by the courts.

Take as a single example the technique of zoning. Regionalism, the desire for the balanced environment, requires that the metropolis shall not send its muddy back-wash oozing over the rural country side (in Benton Mackaye's phrase) converting it into one undifferentiated slum. Zoning began, in the interest of minimum standards of light and air necessary for health, by requiring lots not less than say 40 or 50 by 100 feet. As zoners have felt surer of their ground, they

have gradually stepped up these requirements, until today half-acre, acre, and even five-acre minima are not unknown. At this point it is hard realistically to see health and safety anywhere in the picture: zoning now has become a tool to perpetuate open space, and prevent the 20 by 100-foot lot auction (usually the first symptom) from desolating the land. Similarly with strip zoning to prevent the roadside slum: if we can stop the first back-wash along the highway—and it flows along highways with almost the universality of a physical law—we may be able to stop the process altogether.

And this will not be the first time that zoning has come to serve a purpose not originally contemplated. It is claimed that the initial impulse for zoning—that passionate human purpose which motivates people to action—was the exclusion of Chinese laundries from suburbs of San Francisco. And I have been told of one state where the zoning enabling act was passed soon after a racial segregation act had been declared void: whether the legislators thought this was another way to skin the same cat, I do not know.

More regionalism in government, and more government in regionalism, is then the platform. This lacks the dramatic appeal of starting with the clean slate, and it is not a plan to bear its full fruit in ten years. But the regional point of view (as opposed both to the metropolitan and the overnationalistic)—the ideas discussed informally at Virginia, which will be more definitely formulated year by year, because they spring from real human values—can, I believe, help municipal administration effectively to achieve its ultimate purpose: to provide its citizens with the opportunity for an ordered and rich life.

TRAINING SCHOOLS FOR MUNICIPAL OFFICIALS IN NEW YORK

BY ALBERT H. HALL

Director, Bureau of Training and Research, New York State Conference of Mayors and Other Municipal Officials

New York municipalities have embarked on a comprehensive, six-year training program. :: :: :: :: :: :: :: ::

On January 1, 1931, the New York State Conference of Mayors and Other Municipal Officials received a grant of $52,500 from the Spelman Fund of New York to be used during the next six years for the purpose of establishing and operating training schools for municipal officials and making studies of state-wide practical municipal problems.

This grant led to the establishment by the Conference of a new division, the bureau of training and research, which is under the supervision of the Conference and works in coöperation with the bureau of municipal information. An advisory committee has been formed to give advice in relation to the policies and activities of the new bureau.

THE TRAINING SCHOOL PROGRAM

Since last June, schools have been conducted for the following groups of

officials: Patrolmen, firemen, welfare officials, building inspectors, sewage plant operators, assessors and milk inspectors. These schools have been attended by 5,615 municipal officials.

The advisory committee met recently to consider the formulation of a training school program. A training program, comprising twenty-two separate courses of instruction, was adopted and is being carried out by the bureau of training and research. Schools will be continued for the groups which have already received training, and which include patrolmen, firemen, financial officials, civil service commissioners, welfare officials, building inspectors, sewage plant operators, assessors and milk inspectors. In addition, new schools and institutes will be given for health officials, water superintendents, purchasing agents, clerks, park officials, sealers of weights and measures, fire chiefs, police chiefs, public works officials, janitors, mechanics, recreation officials and food inspectors.

Eleven schools will be operated each year by the bureau, either alone or in coöperation with interested state departments or other agencies. Fire and police schools will continue annually as in the past on a zone plan, with instructors meeting at a central point for training in instruction. All other schools will be operated every two years. In addition, round table conferences will be provided for the following groups of officials who are pre-qualified by law: Engineers, corporation counsels, plumbing inspectors, education officials, managers, judges and boards of plumbers. Schools for janitors, mechanics and other skilled labor in municipal service will be operated in various parts of the state at the convenience of the state vocational education division.

Schools for police and fire zone school instructors will continue to be operated as long as necessary, for about a one-week period. Standard curricula are being provided for zone police and fire schools.

THE FIRE COURSE

A committee from the State Fire Chiefs' Association met recently with officials of the bureau of training and research and adopted a standard curriculum for fire training in New York state. The committee believes that all firemen should complete the prescribed course of lectures, the twenty standard evolutions and a final examination, and after having done so should then be deemed to be graduated and should receive certificates of attendance. When the lectures have been taken and the examination passed, no fireman shall be required to attend further lectures. However, the twenty standard evolutions will be given annually and all firemen should be required to take them every year. The standard fire course, with the prescribed hours for each subject is as follows:

Required Lecture Subject	*Required Number of Hours*
Courtesy of men to officers and public	1
Salvage	2
Fire prevention and building inspection	3
First aid	2
Ventilation	3
Simplified hydraulics	2
Auxiliary fire fighting equipment	2
Methods of fighting different kinds of fire	2
Exposures	1
Forcible entry	1
Care of equipment	2
Maintenance and operation of fire apparatus	2
Examination	1
Total number of required hours	24

THE POLICE CURRICULUM

On May 1, a sub-committee met to consider the formulation of a standard curriculum for police training, and prepared a suggested plan of procedure. This tentative plan provides that, after this year, the police training course shall extend over a four-year period, with examinations at the conclusion of each year's work. At the end of the third and fourth years, a general review will be held and at the conclusion of the fourth year certificates will be granted to all who complete the courses satisfactorily. The sub-committee also recommended that all police officers should receive annual training in pistol practice. The four schedules, which lay down the required subjects and hours for each, will be presented to the Advisory Council on Police Training in the fall.

TRAINING OF EXECUTIVE OFFICERS

There should be a definite line of demarcation between the training offered to administrative officers and men in the ranks of police and fire departments. Administrative officers have the function of determining policies and as a result their problems are very different from those of the men called upon to execute their commands. With this distinction in mind, it has been arranged, in coöperation with the respective state associations of chiefs, to hold institutes for police and fire chiefs. A committee from the Fire Chiefs' Association, in coöperation with the bureau of training and research, arranged the curriculum for their training institute. A committee from the Police Chiefs' Association likewise prepared the schedule for the police chiefs' institute.

The Fire Chiefs' Institute, meeting at Glens Falls on June 9, 10 and 11, provided lectures on the following subjects: Organization and administration of a fire department; equipment of a fire department; fire alarm systems; fire prevention and building inspection; ventilation; reducing fire hazards in buildings under construction; modern methods of fighting fire; and salvage.

On July 27, 28 and 29, in coöperation with the New York State Association of Chiefs of Police, an institute was held at the annual convention in Troy upon the following subjects: Organization and administration of a police department; qualifications of a police executive; police records; traffic regulation and control; criminal psychology; crime prevention. Certificates of attendance were presented to those enrolled at the institute.

GOOD INSTRUCTORS THE CRUX OF THE PROBLEM

The lecturers for both of these institutes were experts in their respective fields, selected from all parts of the country.

All of the training schools will continue to be intensely practical in character and their instructional staffs will be drawn from the ranks of experts and administrators. It is realized that the crux of the training school problem is the recruiting of corps of instructors who know their subjects and who can present them effectively. The bureau has begun a policy of calling instructors together prior to the opening of a school for the purpose of receiving suggestions on the most effective methods of presenting material. Experts from the state department of education are assisting in this work. The plan has been successfully inaugurated and will be extended to other schools wherever possible. Every effort has been made in the past to have instructors present material by the use of the blackboard or special charts and special emphasis has been placed on the methods of delivering lectures. With

the new plan, material improvement in the instruction offered should result.

The entire training school program has been received to date with enthusiasm. Comments from those who have been students is ample evidence of the fact that we are on the right path. It is yet too early to make definite statements about the practical value of all of the schools. However, police and fire training schools, operating over the last three years, have been running long enough to provide definite results. A great number of favorable comments seem to indicate that the police and fire training schools have been worth the effort put into them and are showing practical benefits. For example, Mayor Charles D. Osborne, of Auburn, wrote recently:

> During the past year our police force has benefited greatly through the schools which we have established locally and the officers who went to the central schools have apparently grasped a more enlightened view of police work than would have been possible under the old methods.

Two municipalities have reported that the lives of children have been saved by local police officers as a result of training received in zone schools. Artificial respiration was applied, as taught in the school, and the children restored to consciousness. Examples of this sort might be continued. Certainly, we could say that to save the lives of two children would be more than worth the relatively small sum expended for the whole municipal training program. Five years from now we will be in a position properly to appraise the practical benefits of the more recent training schools.

It should be pointed out that in this pioneer work there are no precedents to guide the Conference. It is a new field, the extent of which must be explored by the Conference as the judgment of its officers and advisers dictates. When the training program is in full operation, training facilities will be available for over twelve thousand city and village officials. These training schools, in effect a municipal university, offer an opportunity to bring efficiency in municipal government in New York state to new heights.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC.,

Required by the Act of Congress of August 24, 1912,

Of NATIONAL MUNICIPAL REVIEW, published monthly at Concord, New Hampshire, for October 1, 1931.

STATE OF NEW YORK, COUNTY OF NEW YORK, SS.

Before me, a notary public, in and for the State and county aforesaid, personally appeared H. W. Dodds, who, having been duly sworn according to law, deposes and says that he is the editor of the NATIONAL MUNICIPAL REVIEW and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 411, Postal Laws and Regulations, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, National Municipal League, 261 Broadway, New York, N. Y.
Editor, H. W. Dodds, 261 Broadway, New York, N. Y.
Managing Editor, None.
Business Managers, None.

2. That the owner is: The National Municipal Review is published by the National Municipal League, a voluntary association, incorporated in 1923. The officers of the National Municipal League are: Richard S. Childs, President; Carl H. Pforzheimer, Treasurer; Russell Forbes, Secretary.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

H. W. DODDS,
Editor.

Sworn to and subscribed before me this 16th day of September, 1931.

MARY DONOVAN (MONAGHAN),
Notary Public.
(My commission expires March 30, 1933.)

[SEAL]

RECENT BOOKS REVIEWED

THE MAGISTRATES' COURTS OF PHILADELPHIA. By Spencer Ervin of the Philadelphia Bar. A survey report under the auspices of the Thomas Skelton Harrison Foundation, Philadelphia, 1931.

Justice, said Aristotle, is the primary bond of political society; but Aristotle did not live in the days of Wickersham reports and other such masochistic flayings of the public conscience, or he might have concluded that justice is one of the things that the *zoön politikon* cares least about. Mr. Spencer Ervin in his survey of the Magistrates' Courts of Philadelphia makes it abundantly plain that such is the case as respects petty justice in the city of Penrose and Vare. For upwards of a century "corrupt and contented" Philadelphia has been going through the motions of doing something about her disgraceful system of petty tribunals, with results approximating practically zero. Of the latest effort of reform, instigated in 1927 by the Crimes Survey Committee and the Law Association, Mr. Ervin says the net effect was "to give more pay and somewhat better facilities for doing a good job to men of the same type as those who for nearly a hundred years had been doing a poor job."

The whole tragic tale is told with particulars ample and vivid in Mr. Ervin's survey report—an American tragedy of the true story class. The villain in the piece is politics, and the burden of the recommendations, as in every judicial and crime survey ever made in this country, is to get the courts out of politics. But we do not and shall not heed these counsels, because there is no real passion for justice in the hearts of those who prate most about it. Politics, the arch-fiend of the narration, feeds out of the hand of Privilege; but the privileged classes, though they are strong for reforms of respectable odor, are not at all keen for fundamental changes in the social order which produces these filthy sores on the body politic.

Mr. Ervin does not say these things, but he piles up evidence which clearly points to such conclusions. This reviewer is not a Red, but he is obliged to confess that the reading of Mr. Ervin's calm and scientifically objective survey report has made him see red in some particulars. If this sort of literature were as widely read as some other sorts produced in Philadelphia, something after all might be done about it.

There is a highly useful index, an adequate table of references, and an interesting body of appendix material.

CHESTER C. MAXEY.

Whitman College.

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STATE LEGISLATIVE COMMITTEES. By C. I. Winslow. Baltimore: Johns Hopkins Press, 1931. 157 pp. $1.50.

Out of intensive examination of bills, journals, proceedings, laws, veto messages, manuals, the author of this study has produced a worthwhile work in the field of legislation.

After a general discussion of the rules and composition of state legislative committees the study narrows down to an examination of the organization, procedure, work, and control of the legislative committees in Maryland and Pennsylvania.

In a final chapter an attempt is made to measure committee efficiency by objective tests and theoretical evaluations. Efficiency is judged in some measure by the following objective tests: first, repeals and amendments of recent legislation; secondly, governor's vetoes; third, duplicate bills; and fourth, referendum action.

As for the first objective test it was discovered that within three sessions the Pennsylvania legislature repeals 11.4 per cent of its enactments and the Maryland legislature .9 per cent. Within three sessions the Pennsylvania legislature amends 41.5 per cent of its laws and the Maryland legislature 11.6 per cent. The percentage of acts amended or repealed during three sessions is, therefore, 52.9 per cent for Pennsylvania and 12.5 per cent for Maryland. While the author allows for other contributing causes he arrives at the opinion that there is sufficient laxity in legislation to explain the wide spread in the two percentages.

Veto messages as a test of the efficiency of committees were analyzed from the standpoint of the reasons given for vetoes. Vetoes based on a difference of policy between the governor and legislature were eliminated so far as possible.

Vetoes were then classified as unnecessary, duplication, unconstitutional, inconsistent with another act of same session, formerly repealed or antedated, affecting a repealed or non-existent act, and vague—careless—ambiguous. In Pennsylvania 157 measures passed during the 1927 and 1929 sessions of the legislature were vetoed for those reasons and 78 in Maryland.

The theoretical evaluation was made by first setting up the functions of legislative committees and then determining to what extent the functions were performed. Four functions were established: To serve as a means of investigating special fields of proposed legislation; (2) To deliberate upon (more time being available than in the chamber itself) and give careful consideration to matters referred to it; (3) To permit the application of specialized knowledge so that proposed legislation may be in such a form as to accomplish the desired end and that the chamber may benefit by more or less expert advise; (4) Finally, to recommend action.

The results secured from the theoretical evaluation fall far short of those resulting from the objective.

EDWARD B. LOGAN.

MUNICIPAL ACTIVITIES. Report of the Village of Allen Park, Michigan, 1928–1930. 44 pp.

Forty-four pages are taken by the Village of Allen Park to demonstrate that the activities of a municipality can be reported readably and intelligently within a limited compass. The demonstration is successful. To the reader of its pages is conveyed a sense of community life and of a village government sensitive to demands for orderly and planned improvement.

A discerning editorial judgment is manifest in the selection of the maps, three in number, and in composing the tables of which there are thirteen. Bulky financial statistics are summarily handled, simply by omission, except for the three wisely chosen tables of a balance sheet, statement of revenue and expenditure, and report of indebtedness. The other tables are brief text records needed to buttress the narrative. Although the two full page pictures are excellent, the editors neglect pictures as a means of rendering the report attractive.

Historical data of a certain piquant interest forms a preliminary section. The sketch is well done—but out of place in an annual report. Only commendation can be given to the section of a dozen pages tracing civic planning and related improvements. The subject is graphically treated by concrete projects and in relation to planning by Wayne County in which Allen Park is located. Reporters in other municipalities would do well to scan its pages.

The report of Allen Park acquires more than ordinary significance when it is realized that this village of something over 1,000 people turns out a creditable report as a matter of course, while municipalities, many times its size, often omit any report whatsoever.

WYLIE KILPATRICK.

A CIVIC HISTORY OF KANSAS CITY, MISSOURI. By Roy Ellis, A.M. Springfield, Missouri: Elkins-Swyers Press, 1930. 243 pp. $1.75.

Written as a thesis for a Ph.D. in political science, this book is replete with footnotes and references and its readability is further impaired by poor typography. In the first three chapters, the author presents an historical background for the development of the social, industrial and civic institutions of the city.

Old inhabitants declare that much of the picture is drawn from sensational newspaper articles portraying exceptional and peculiar events and on the whole is amusing rather than accurate. For this reason the book was not accepted as a text for the Kansas City schools. However, the chapters dealing with the mechanics and organization of government, the history of the charters and the accounts of the departments of the city government are authentic and well presented.

The details of the public utility, law enforcement, public health, education and political conditions are presented with skill and sympathy; and are undoubtedly the most interesting part of this chronicle of a typical mid-western city.

MRS. VIRGIL LOEB.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY EDNA TRULL
Municipal Administration Service

Pavement and Street Improvement Costs.—California Taxpayers' Association, 1931. 8 pp. The research department spent months of exhaustive study and research to secure the material which is published as a reprint from the September number of *The Tax Digest*. The very significant conclusion is that "California property owners are paying enormous and unnecessary sums for patented pavements. . . . Investigation shows that patented pavements cost about 5 cents more per square foot than equal unpatented types, and it is also found that other items of improvement such as grading, curb and sidewalk, average considerably higher when combined with patented pavement." Important tables are included. (Apply to the California Taxpayers' Association, 775 Subway Terminal Building, Los Angeles, California. Price 15 cents.)

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The Action of Large Municipalities on Public Salaries and Wages.—Indianapolis Chamber of Commerce, 1931. 10 pp. The general rumor that many cities have been cutting salaries of public employees has been current since last winter. The Civic Affairs Department of the Indianapolis Chamber of Commerce has collected and published pertinent comments from 39 large cities as to what action has been taken or contemplated. In addition nine secretaries of state leagues of municipalities give summaries of the tendencies in their states. In the continued discussion of the subject this brief compilation is sufficiently comprehensive to be very valuable. (Apply to the Civic Affairs Department, Indianapolis Chamber of Commerce, Indianapolis, Indiana.)

✻

Report on the Cost of Crime.—National Commission on Law Observance and Enforcement, Washington, D. C., 1931. 657 pp. Report number 12, under the direction of Goldthwaite H. Dorr and Sidney P. Simpson, discusses the various costs of crime and the losses related to it from the viewpoints of the various governmental units and private agencies. The authors acknowledge, as probably the most important section, that which deals with municipalities. It presents the results of studies in 300 cities over 25,000 in population and including all those over 200,000. By outlining a plan for the application of modern statistical methods and securing the coöperation of agencies throughout the country, accurate data were secured on the cost of criminal justice in American cities. In his introduction Mr. Wickersham gives "a sum substantially in excess of $247,000,000 each year" as the cost, in so far as it can be put into figures, of criminal justice in cities over 25,000 in the United States. The report points out the lines along which this study should be completed. Important bibliographical material is listed and discussed. Mr. Dorr and Mr. Simpson in summary recommend: (a) annual statistical records on crime and criminal cost, (b) the completion of the comparative study of municipal costs, (c) a scientific study of commercialized fraud; (d) one of racketeering and organized extortion, and (e) reducing the economic burden imposed on jurors and witnesses in criminal cases. Significantly, they close their report with the comment that the fundamental problem remains "the human engineering required in fighting the development of the criminal and in aggressively seeking his rehabilitation." (Apply to Superintendent of Documents, Washington, D. C. Price $1.10.)

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Report on the Causes of Crime, Volume I.—National Commission on Law Observance and Enforcement, Washington, D. C., 1931. 390 pp. In section I, Morris Ploscowe gives a critical analysis of the literature on the causes of crime. Section II is a study on Work and Law Observance by Mary Van Kleeck, Emma A. Winslow, and Ira deA. Reid. Henry W. Anderson, who as a member of the commission was chairman of the committee on the causes of crime, believed that valuable reports not printed and important conferences and correspondence should not be overlooked. Therefore, in a special report printed in this volume he gives some of the more general conclusions and recommendations which were the result of his own study and his interpretation of the charge of the commission. (Apply

to Superintendent of Documents, Washington, D. C. Price 80 cents.)

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Report on the Causes of Crime, Volume II.—National Commission on Law Observance and Enforcement, Washington, D. C., 1931. 401 pp. The commission here presents, under the authorship of Clifford R. Shaw and Henry D. McKay of the Behavior Research Fund in Chicago, the results of a number of social research studies in the field of juvenile delinquency, with data on the community, the play group and gang, and the family in the development of delinquent careers. (Apply to Superintendent of Documents, Washington, D. C. Price 85 cents.)

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Housing in Philadelphia, 1930.—Bernard J. Newman. Philadelphia Housing Association, 1931. 44 pp. Since 1906 this organization has devoted its efforts to improving the housing and sanitary conditions in the homes of the poor in Philadelphia. This is not only a specific report on the work of the Association in 1930 but describes the situation there as to the construction of new dwellings, the very high rate of absorption —92 per cent (especially notable in dwellings built after study of the price range still needed). Other factors dealt with include sheriff's sales, vacancies, rents, insanitation and public education. (Apply to Philadelphia Housing Association, 1600 Walnut Street, Philadelphia. Price 25 cents.)

✻

Manual of Police Records.—International Association of Chiefs of Police, Chicago, 1931. 37 pp. The Research Committee of the International City Managers' Association prepared a record system for the police department of Pasadena, California, in accordance with the principles set forth by the Uniform Crime Reporting Committee. The plan consists of record forms which have all been successfully used and may be adapted to cities between 25,000 and 150,000 in population. Material is included on a unified record system, reporting and controlling offenses known to police, reporting and controlling persons charged, property identification records, recording miscellaneous police services, personnel records, general administrative reports. (Apply to International Association of Chiefs of Police, 923 East 60th Street, Chicago.)

✻

Statistical Department of Municipal Court, Philadelphia.—Kate H. Claghorn. Thomas Skelton Harrison Foundation, Philadelphia, 1931. 123 pp. This is the ninth report published in the Foundation's court survey series. It considers the facts which should be gathered for court statistics, analyzes critically the present statistical work of the court, presents recommendations covering the preparation of statistics and annual reports for the several divisions of the court, and provides special forms for tables recommended for the juvenile and domestic relations divisions. Emphasis is placed on the fact that the statistical work of a court which deals with thirty or forty thousand cases in a year calls for trained personnel and careful organization and supervision. (Apply to Thomas Skelton Harrison Foundation, 311 South Juniper Street, Philadelphia.)

✻

Safety Code for Elevators, Dumbwaiters and Escalators.—American Standards Association, 1931. 173 pp. The Bureau of Standards, the American Institute of Architects and the American Society of Mechanical Engineers, sponsor a revision of their rules for the construction, inspection, maintenance and operation of elevators, dumbwaiters and escalators of various types and under various conditions. This revision covers new mechanical development and auxiliary devices, and emphasizes especially the needs of the tall buildings. (Apply to American Standards Association, 29 West 39th Street, New York City. Price $1.00.)

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Radburn—the Challenge of a New Town.—City Housing Corporation, New York City, 1931. 8 pp. Mr. Tracy B. Augur wrote these articles which have been reprinted from the *Michigan Municipal Review* for general distribution. With pictures and diagrams to illustrate the text Radburn is again described as the model garden community built for the new age within commuting distance of New York by a limited dividend company. (Apply to City Housing Corporation, 18 East 48th Street, New York City.)

✻

Manual of Street Sanitation Records as Installed in Kenosha, Wisconsin.—Committee on Uniform Street Sanitation Records, Chicago, 1931. 81 pp. Under the direction of the Committee, Kenosha has installed its model record system for street sanitation and other public works activities, covering budgeting, accounting, purchasing, central stores and cost accounting machinery. (Apply to Committee on Uniform Street Sanitation Records, 923 East 60th Street, Chicago.)

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
Professor of Law, New York University

Indebtedness—Constitutional Limitations—Evasion by Purchase under Conditional Sales Contract.—The Supreme Court of Iowa in its recent decision in *Christensen* v. *Town of Kimballton*, 236 N. W. 406, holds that the town does not have the power to make purchases of equipment for a public utility plant to be paid for solely from the net revenue arising from its operation. The case involved the facts similar to those in *Johnson* v. *City of Stuart* (Iowa, 1929) 226 N. W. 164, which held that a purchase under a conditional sales contract with a pledge of net revenue as the sole source of payment was valid, as the obligation was not an indebtedness within the inhibition of the constitution. In the Christensen case, however, the question of the power of the city to enter into such a contract was directly raised and the court sustained the contention that the power must be expressly conferred. In thus deciding, the court follows its ruling in *Van Eaton* v. *Town of Sidney* (1930) 231 N. W. 475, 71 A. L. R. 820, which held that the town did not have the implied power to acquire an electric lighting plant by a mortgage thereon with a pledge of net revenues, the statute providing that the city could purchase such a plant by issuing bonds to pay for its cost.

In *Hight* v. *Harrisville* (reported U. S. Daily, September 4, 1931) the Supreme Court of Missouri condemned a similar contract by the city, which had already reached its constitutional limit of indebtedness. In this case, the new equipment was to be acquired by a conditional sales contract to be paid for exclusively from the revenue of the lighting plant and the city agreed to credit to the special fund the value at established rates of the current used for street lighting and in the water department. Here it was urged that no indebtedness was created because the obligation would never require a resort to taxation. But the record showed that the city had no funds available for such purpose and that they must come from taxation. The clause in the contract leaving it optional with the city whether to use any current for lighting the streets or pumping water was obviously a subterfuge. The court points out the fundamental rule that the law will always look through the form or labels of a contract to determine its true meaning and will "brush away the cobweb varnish" under which the nature of the transaction is disguised. Indebtedness in the sense used in the state constitutions means any obligation for the payment of which it may be necessary to resort directly or indirectly to taxation.

This matter of evading constitutional or statutory limitations upon municipal indebtedness by conditional sales contracts for the purchase of public utility equipment or of the plant itself with a pledge of the revenue to be realized from its operation presents in each case two separate and distinct questions; one as to whether the obligation assumed constitutes an indebtedness and second whether the device adopted is within the delegated power of the municipality. Much confusion results in discussing the decisions unless these two aspects of the problem are constantly kept in mind. If, as in the case of *Klein* v. *Louisville* (1928) 224 Ky. 624, 6 S. W. (2d) 1104, the obligation is directly authorized by the legislature and there are no constitutional limitations the only question left is to determine whether the obligation is an indebtedness within the statutory meaning. Where the limiting statute antedates the grant of authority, as in the Louisville case, the real question before the court is whether the subsequent statute *pro tanto* repeals the limitation. By accepted canons of construction, this necessarily will be the result. The question of whether the obligations authorized constitute an indebtedness within the statute limiting the amount that may be incurred, becomes important only in case the statute is enacted after the general or special grant of power.

In all these cases a general delegation of power to own and operate public utilities usually exists. Admitting that the obligation entered into will not impose any burden which directly or indirectly may have to be met by taxation, these grants of power usually specify the manner in

which the enterprise is to be financed. A primary rule of construction of municipal powers is that such qualifications even if expressed in permissive words are mandatory and limit the power to act to the methods thus prescribed. The courts which have upheld the conditional contract purchases have all had to abandon this fundamental principle in order to sustain their decisions. If this departure from sound principles of statutory construction is consistently followed, it will break down the most important rule we have to guide us in determining the extent of municipal powers. It was the vision of this unfortunate outcome that led the Iowa courts to abandon the specious arguments of an implied authority accompanying every grant of a proprietary power to perform it other ways than those laid down by the legislative branch of the government. The contrary decisions in Utah, Nebraska and North Dakota [1] are based upon fallacious reasoning and should not be relied upon in other jurisdictions.

A cursory review of the decisions on this point referred to by Dr. Durisch in his interesting article in the August number of this REVIEW [2] leads to the conclusion that the only safe way for a municipality to escape the effect of a constitutional debt limitation in order to finance the purchase of a public utility plant, or equipment therefor, is either by a constitutional amendment expressly excepting such obligations from its purview or by statute providing for the creation of an overlapping municipal corporation to which the ownership and control of one or more public utilities will be transferred. The first method has been quite generally followed to enable cities to finance a supply of water. The second method, whereby a new municipal corporation is created with a clean slate as to indebtedness and full power of taxation is comparatively easy to follow wherever public sentiment throughout the state can be brought to its support. The only danger is the one the constitutional debt limitations were designed to obviate, the exhausting of credit by overburdening the sources of taxation, which may lead to a predicament similar to that in which the city of Chicago now finds itself.

If the purchase by conditional sales contract and pledge of revenue is expressly authorized by statute, it may be that technically no debt is created, but the contrary opinion of the Supreme Court of Missouri in *Hight* v. *Harrisville* seems to be unanswerable. Such also has been the conclusion of other able courts.[3] When we consider the purpose of the constitutional debt limitations and appreciate the contingent liabilities that may result from the city's default in carrying out its contract, the decisions supporting such contracts seem to be based upon an extremely narrow construction of the intent of the people as embodied in this fundamental law.

[1] *Barnes* v. *Lehi City* (Utah, 1929) 279 Pac. 878; *Carr* v. *Fenstermacher* (Neb., 1930) 228 N. W. 114; *Lang* v. *City of Cavalier* (N. D., 1930) 228 N. W. 819.

[2] "Municipal Indebtedness and the Financing of Publicly Owned Utilities," XX NAT. MUN. R. 460.

[3] *Schnell* v. *Rock Island* (1907) 232 Ill. 89, 83 N. E. 462; *Lesser* v. *Warren Borough* (1912) 237 Pa. 501, 85 Atl. 829.

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Parking of Cars at Street Curb—Rights of Abutting Owners.—The standing of vehicles on streets and highways has long been of important public concern. The English courts early in the nineteenth century saw the necessity of restraining the stopping of a vehicle on the highway when this would interfere with the passing of the general public, either on foot or otherwise. Thus in 1812, in holding that the standing of stage coaches on the street for about three quarters of an hour was a nuisance, Lord Ellenborough said:

> Every unauthorized obstruction of a highway to the annoyance of the King's subjects is an indictable offense. . . . A stage coach may let down or take up passengers on the street, this being necessary for public convenience, but it must be done in a reasonable time, and private premises must be procured for the coach to stop in during the interval between the end of one journey and the commencement of another. No one can make a stableyard of the King's highway.[4]

The modern doctrine "that no one can make a private garage of the public street" has been reaffirmed in many recent cases, but the special right of the abutting owner has also been recognized. A traffic ordinance of the city of Chicago which absolutely prohibited the parking of any vehicles within the "loop" district between certain hours was held invalid as depriving the abutting owner of his right of reasonable access (*Haggenjos* v. *City of Chicago*, 336 Ill. 573, 168 N. E. 661).[5] An amended ordinance adopted in March, 1929 permitting the stopping of a vehicle in the same district for only three minutes when actually engaged in picking up or discharging passengers or thirty minutes loading or unloading

[4] *Rex* v. *Cross*, 3 Campbell's Reports 224, 227.

[5] This decision was noted in Vol. XIX, No. 2, p. 106; February 1930 of this REVIEW.

commercial trucks, has recently been upheld by the Supreme Court of Illinois. In the case of *City of Chicago* v. *McKinley* reported in 176 N. E. 261, defendant's conviction for violation of this ordinance—he had parked his automobile for more than three minutes in the restricted area—was affirmed, and the regulations held reasonable. The court quotes with approval from *Cohen* v. *Mayor, etc. of New York,* 113 N. Y. 532, 21 N. E. 700:

> The primary use of a highway is for the purpose of permitting the passing and repassing of the public; and it is entitled to the unobstructed and uninterrupted use of the entire width of the highway for that purpose, under temporary exceptions as to deposits for building purposes, and to load and unload wagons, and receive and take away property for or in the interest of the owner of the adjoining premises.

The courts without exception support the principle that a municipality may by ordinance reasonably regulate the parking of private vehicles in certain areas for a prescribed time.[1]

Another important question pertains to the right of an abutting owner to enjoin as a nuisance the continued parking of vehicle in front of his premises, even though such parking be permitted by a local ordinance. The Appellate Division (Fourth Department) of the New York Supreme Court has recently held that an ordinance of the city of Rochester which prohibits parking in streets for more than six hours does not give a person a permit to park for that length of time —"a privilege is not given, a prohibition is announced."[2] The court in granting the injunction restraining the automobile owner from parking his car before plaintiff's premises day after day during all the hours permitted by the parking regulations held that the latter's easements of access, of light and air, and of the privilege of making observation as to goings-on in the street were unlawfully invaded by defendant's acts. In an able opinion by Justice Taylor the court states that if the right of abutting owners must be sacrificed for the convenience of automobile owners the relief must come from the legislature. The principle of this case applies *a fortiori* to the regulation of parking of vehicles operated for hire. The delegated power to regulate the privilege of using the highways for commercial purposes is necessarily limited by the special rights of abutting owners. Subject to this limitation the power of regulation is plenary.[3]

[1] *Pugh* v. *City of Des Moines* (1916) 176 Iowa 593, 156 N. W. 892, L. R. A. 1917F, 345; *Taylor* v. *Roberts* (1922) 84 Fla. 654, 94 So. 874; *Re Covey* (1926) 220 Mo. App. 602, 287 S. W. 879; *Welsh* v. *Town of Morristown* (1923) 98 N. J. L. 630, 121 Atl. 697 (aff'd in [1924] 99 N. J. L. 528, 124 Atl. 926); *Commonwealth* v. *Rice* (1927) 261 Mass. 340, 158 N. E. 797, 55 A. L. R. 1128; *Village of Wonewoc* v. *Taubert* (1930) 203 Wis. 73, 233 N. W. 755, 72 A. L. R. 224.

[2] *Decker* v. *Goddard,* 233 App. Div. 139, 251 N. Y. S. 440. Accord: *Lowell* v. *Pendelton Auto Co.* (1927) 123 Ore. 383, 261 Pac. 137. See, also, *Allen & Reed, Inc.* v. *Presbrey* (1929) 50 R. I. 53, 144 Atl. 888.

[3] *Montgomery* v. *Parker* (1897) 114 Ala. 118, 21 So. 452; *Willard Hotel Co.* v. *District of Columbia* (1924) 23 App. D. C. 272; *Park Hotel Co.* v. *Ketchum* (1924) 184 Wis. 182, 199 N. W. 219.

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Powers—Extension of Implied Powers of Counties.—In *Commonwealth* v. *Fayette County,* 39 S. W. (2d) 962, the Supreme Court of Kentucky holds that under the express authority conferred upon the county "to erect and keep in repair necessary public buildings," a county has authority to appropriate out of its general funds $10,000 "for the purpose of purchasing and operating a fire truck." It appears that counties in Kentucky are now authorized to provide buildings for airports, hospitals and memorials, and to appropriate county funds for the benefit of colleges and infirmaries located within their limits. Fayette is a populous county and its county buildings in and near Lexington house a large number of inmates whose safety requires adequate fire protection.

The court discusses and approves of the rule of strict construction of the powers of quasi municipal corporations, but holds that the extent of the powers to be implied from the grant of express powers should not be limited by the doctrine of inevitable necessity but rather by the test whether they reasonably tend to the proper execution of the powers expressly granted. The principle adopted is thus stated by the court:

> If the authority attempted to be exercised, though not expressly given by statutory or constitutional provisions, is one which under the prevailing conditions at the time it is proposed to be exercised, may be employed by the one whose duty it is to carry out the expressly conferred authority in the exercise of a sound discretion as a means of executing that authority, then the attempted action will be approved and upheld; otherwise it will be disapproved and the right to so proceed will be denied.

The decision properly recognizes new conditions as affecting the application of the doctrine of implied powers. It has never been seriously questioned that a county has the implied power

to insure its buildings and that it is under the duty to protect its property and wards from fire. With the expansion of its functions and the increase in the number and value of its buildings, the reasonable means of protection may well come to include the installation of modern fire equipment.

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General Laws—Application of Constitutional Provision to Disannexation of Agricultural Lands.—The Supreme Court of Wisconsin in the case of *In re Christoph*, 237 N. W. 134, holds unconstitutional a statute of 1929, giving the right to owners of agricultural lands of 200 acres within the limits of any city of the fourth class by petition to the circuit court to have the lands detached from the city. In another recent case arising in Minnesota, *Petition of Clinton Falls Nursery Co.*, 236 N. W. 195, the Supreme Court of Minnesota holds that a statute of 1927, providing for the detachment from cities with 10,000 inhabitants or less of unplatted agricultural tracts of forty acres upon petition of the owners or of contiguous agricultural tracts of 200 acres upon petition of the owners of 75 per cent thereof to be constitutional. Another section of the act limited its application to cities which are shown to have within their boundaries at least 8,000 acres devoted exclusively to agriculture.

The difference in the construction which the two courts put upon the constitutional provision requiring general laws relating to municipal corporations rests upon a difference in the emphasis given to similar situations. The Wisconsin court can see no proper basis for classification of agricultural lands in cities of the fourth class which would not be equally applicable to larger cities. The Minnesota courts see no arbitrary discrimination in making the statute applicable to the smaller cities where the inclusion of a large area of agricultural lands may work a special hardship. As a practical matter the line has to be drawn somewhere and the legislature is more competent to fix the boundary than are the courts. In the Christoph case, Justice Owen wrote a strong dissenting opinion, concurred in by Justices Fritz and Wickhem. The peculiarly strict construction put upon the requirement of general laws in the constitution of Wisconsin for the incorporation of cities, towns and villages and the amendment of their charters is fortified by the further constitutional provision (Art. IV. §32) that "all such laws shall be uniform throughout the state," a mandate that has been interpreted to deprive the legislature of the more liberal powers of classification which is upheld in a majority of the states.

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Municipal Aid to Housing Projects—Home Rule Powers of New Jersey Cities.—In *Simon* v. *O'Toole, City Clerk*, 155 Atl. 449, a taxpayers' action was brought to test the validity of an ordinance adopted by the commissioners of Newark, which authorized the execution of a contract with the Prudential Life Insurance Company whereby, in consideration of the latter's purchase of two city blocks and the erection thereon of model tenements the city would undertake to take over a strip 140 feet wide in the middle of the blocks so acquired at the price paid by the company to be maintained as a public park and playground. The supreme court held that the ordinance was within the general powers of the city; that the expenditures authorized were for a public purpose and not to aid a private enterprise; and that the price to be paid by the city, which in no event was to exceed $1,200,000 was not an abuse of the discretion of the commission.

The opinion of the court deals in the main with the question whether the establishment of playgrounds and sanitary housing are public purposes for which a city may exercise its taxing power. The affirmative answer seems self-evident. So far as housing is concerned the statute of 1929 (Comp. Stat. Supp. §§ 136–3771B [1] *et seq.*) empowering cities to condemn and transfer lands to insurance companies which will undertake housing projects, fully indicates the legislative intent. But whether a city under a general delegation of power to promote these public purposes with special authority to assist private enterprises in a specific manner may contract with a private corporation to purchase lands adjacent to the proposed improvement and to establish and maintain a park thereon presents a more difficult question. In the instant case, the facts may show that the community will realize full value for the moneys expended, but that fact should not be decisive where the method of exercise of delegated power is in question. With due deference to the learned court, it seems extremely doubtful that without a more express legislative delegation than that contained in the so-called Home Rule Act of 1917, the higher courts will accept the conclusion of the supreme court that the city may enter into a binding contract to establish and maintain parks and playgrounds in

consideration of real estate improvements to be erected and controlled by a private company.

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Control of State Commission over Rates of Municipally Owned Public Utilities.—In *City of Logansport* v. *Public Service Commission,* decided July 1, 1931, 177 N. E. 249, the Supreme Court of Indiana upholds the statute of that state which expressly confers upon the public service commission the same control over the rates to be charged by municipally owned utilities as those of private companies. The opinion of the court contains an extensive review of the authoritative decisions upon rate regulations of local utilities and adopts the view which is generally accepted that the municipally owned utility may be subjected to the same control as one privately owned.

The action was brought to enjoin a reduction of schedule rates which had been ordered by the commission. The court holds that the usual rules apply to the fixing of a reasonable return upon the investment. As to the exemption of the plant from taxation, the city contended that it was entitled to charge rates that would yield a sum sufficient to compensate it for taxes that would be paid if the plant were privately owned. In refusing to uphold this contention, the court says:

> A city by its citizens and taxpayers in deciding to operate a utility must have in mind, not only the advantages gained thereby, such as the elimination of official salaries, the power to finance its project at advantageous interest rates, etc., but also the provision of the law which exempts the property of a city from taxation. Taxes not being actually levied and paid, they should not be included as a cost of service.

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Torts—Effect of Assumption of the Control of Highways by the State Upon Local Liability.—The question whether the resumption by the state of full control over the construction and operation of streets and highways previously committed to cities or towns will relieve the latter from common law or statutory liability in connection therewith will doubtless soon be raised in many cases. In the *Strickfaden* v. *Green Creek Highway District* case (1926) 42 Idaho 738, 248 Pac. 456, the Supreme Court of Idaho held that the transfer of full municipal powers over streets to special districts carried over to the latter the common law duty of reasonable care and consequent liability for negligence. As the liability in tort of subordinate agencies at common law and usually by statute is founded upon the delegation of full and adequate powers over streets or highways, statutes taking away such powers imply an intention to repeal the liability based thereon.

In *Child* v. *Greene, Treasurer of the Town of Warren,* 155 Atl. 664, recently decided by the Supreme Court of Rhode Island, the plaintiff suffered injuries due to a defective sidewalk along a street that had been adopted as part of the highway system. The question in issue, therefore, was whether the town was still under the duty to keep the sidewalk in repair. In *Pooler* v. *Burton, Town Treasurer* (1917) 40 R. I. 249, 100 Atl. 465, the court had held that the assumption by the state of a rural highway impliedly relieved the town from any duty to care for the untraveled as well as the traveled portion. But in the instant case the court found the implication negatived by a provision of the highway law which left with the town boards the power to construct sidewalks along state roads by special assessment with the approval of the state highway board. While the statute further provided that such construction should not oust the state of full jurisdiction over the sidewalks along state roads, the court held that the statutory liability of the town for defects in the sidewalks remained unimpaired. A dissenting opinion was written by Mr. Justice Sweeney.

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Torts—Notice of Injury as Prerequisite to Right of Action.—In *Thomann* v. *Rochester,* 256 N. Y. 165, 176 N. E. 129, the Court of Appeals sustained a drastic provision of the charter of the city limiting the right to damages in legal or equitable actions to those accruing within thirty days before notice in writing of the injury duly communicated to the common council and corporation counsel. The action was based upon a continuing trespass to the property of the plaintiff, caused by the maintenance of a garbage dump, and prayed for an injunction and damages from the time the nuisances began to the date of the decree. The court affirmed a judgment for an injunction and also sustained the charter limitation upon the recovery of damages. The appellate division had reversed the trial court on the latter issue, holding that the provision of the city charter was not intended to apply to a cause of action for a continuing nuisance and that the result of so extending it would be an unconstitutional impairment of vested rights.

The decision of the court thus asserts a plenary

control of the legislature over all actions against a municipal corporation for damages, whether in law or equity. This power is limited only by the constitutional provisions against the taking, and in some states the damaging of property without compensation, which includes the abolition of a remedy after the right of action has accrued. (*Ettor* v. *Tacoma* [1913] 228 U. S. 148.)

Whether another provision of the same section of the charter to the effect that no action can be brought "until three months have elapsed after presentation of the claim to the common council" should be adjudged valid was left undecided by the court because not directly in issue. Judge Hubbs in a dissenting opinion maintained that this provision was invalid because under the constitution the "supreme court is continued with general jurisdiction in law and equity," a jurisdiction with which the charter provisions in question conflict, and that its invalidity rendered the entire section void.

Legislative acts requiring notice of injury before bringing action have been construed in some states to be applicable only to injuries occurring in the performance of governmental duties (*Cook* v. *City of Beatrice* [1926] 114 Neb. 305, 207 N. W. 518; *Borski* v. *Wakefield* [1927] 239 Mich. 656, 215 N. W. 19). In general such statutes have been very liberally construed when the injury arose in the performance of proprietary functions. Such courts construe the statute as mainly designed to protect municipalities against surprise and not to require a vain act where the city is fully apprised of the injury, especially where the city authorities to whom notice is to be given commit the overt act causing the injury. Upon this ground the appellate division held the clause in question inapplicable to the facts of the case, stating that creation and maintenance import knowledge and notice becomes supernecessary (s.c. 230 App. Div. 612, 615). In other jurisdictions as in Minnesota and Washington the statute has been held not to apply to claims of employees of the city. (*Gaughan* v. *St. Paul* [1912] 119 Minn. 63, 137 N. W. 199; *Wolpers* v. *Spokane* [1912] 66 Wash. 633, 120 Pac. 113).

The decisions cited in the last paragraph all had to do with the construction of general statutes. The provision before the court in the instant case was a special clause in a home rule charter. It raises the question, evidently not brought up by counsel or considered by the court, as to whether a home rule city by charter amendment may determine its liability for delictual acts. Where this question has been raised, the decision has been against the existence of the power (*Green* v. *Amarillo* [Tex. Civ. App., 1922] 244 S. W. 241). The New York Court of Appeals has itself recently intimated that the administration of justice and the procedure of the court do not fall within the scope of home rule powers (*Adler* v. *Deegan* [1929] 251 N. Y. 467, 167 N. E. 705). To hold that even as to claims against a city judicial procedure may be the subject of local legislation seems to do violence to the principles underlying the whole theory of the relations of home rule cities to the state.

While the provision of the state constitution (Art. VIII, § 3) providing that "all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as national persons" does not deprive the legislature of power to limit the right of action against municipal corporations, it would seem that the home rule amendment giving cities power to frame their own charters in matters relating to their property, affairs or government did not contemplate that they were to have the power formerly accorded to the legislature to modify the existing state law as to the remedies open to those aggrieved by the invasion of their property rights. It may be that this power falls within the twilight zone where state and municipal affairs overlap, and where the city may act in the absence of action by the legislature. If this be so, the legislature should enact a general statute covering the entire field and making uniform the restrictions placed upon remedies to be enforced against municipalities.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

Haphazard Commutation Rates.—A concrete example of haphazard development of railroad rates, especially as regards commutation, has come to light in the New York Central case before the New York commissions. The railroad filed new schedules on November 28, 1930, calling for a horizontal 40 per cent increase in commutation fares between New York City and all points north. The commissions suspended the proposed rates and instituted hearings in accordance with the regulations prescribed by statute.

The opponents to the increase embraced all the Westchester communities affected, and several civic associations. These employed experts, who analyzed the facts and figures submitted by the railroad, and as a result of this analysis the witnesses for the carrier were subjected to severe cross-examination. The direct and cross-examination were reduced to over 3400 typewritten pages by the official reporter. But when the entire case for the railroad had been completed, a motion was made to dismiss for lack of proof. The Central and the opponents submitted briefs pro and con.

On July 9, the commissions decided, first, that as the case stood, the carrier failed in its burden of proof imposed upon it by statute; and, second, that instead of dismissing the case, and thus compelling the railroad to start *de novo*, it would give the road a chance to submit additional evidence. The Central is now preparing to come back with new data to justify the proposed 40 per cent increase.

It is not our intention in this note to discuss the various points involved in the case, but rather to show how well this case illustrated the fact that railroad rates for a particular service have developed, and have continued to date, in a haphazard fashion, without much regard to cost of the particular service.

The Central runs trains out of New York City in three divisions. Its main division, the Hudson, runs to Albany and points west, its Harlem Division extends to Chatham, while the Putnam Division covers territory between the former two, and extends to Brewster.

The railroad carries several classes of passengers at varying rates. It has one way and round-trip passengers, both suburban and through, paying usually 3.6 cents per mile. Then come the monthly commutation tickets, the charges varying inversely per mile with distance from the Grand Central Terminal. That is, the further a given point is from the Terminal, the lower the monthly charge per mile. Then there are school tickets, permitting twenty-six trips a month at a lower rate than that for commuters, and, finally, 50-trip family tickets, which allow one ticket to be used by any member of a household up to 50-trips within a year. Their rate is somewhere in between the regular rate and the commutation rate.

In addition to the above, there are so-called way commuters and way school passengers who do not come to New York, but who obtain lower fare tickets between points on the line up to 50 miles distance.

The proposed schedules called for a 40 per cent increase in fares for monthly commutation, school and family tickets between New York City as far north as Rhinecliff on its Hudson Division, a distance of 88 miles; all of the Harlem Division, approximately 100 miles; and all of the Putnam Division, almost 60 miles from New York. With a few exceptions, they left the cut fares between points outside New York, the so-called way tickets, undisturbed.

To prove that the proposed increases are justified, it was necessary to show the revenues from these cut rate passengers and the costs attributable to them. As to revenues from ticket sales, they are shown on the books according to the class of tickets sold during a given period. There remained only the crediting of a proper share of incidental revenues from station concessions along the road.

The main difficulty arose in the attempt to show the cost of this traffic. The same road,

stations and trains are available alike to all classes of passengers. But the road did not have in its possession figures that would show to what extent the various classes of passengers actually did avail themselves of the facilities. It did not know even the actual mileage traveled in a given period by any class of passengers, and especially by the cut-rate passengers. It had no data as to what facilities the commuters used in their daily travels, or even how many rides they took monthly, much less the costs that were directly caused by the commuters. But it had to evolve some basis for the allocation of costs between the passengers whose fares were proposed to be increased, and the others.

We shall not attempt to give a detailed description of the methods used by the railroad to segregate the costs. For the purpose of this discussion it is sufficient to explain the course followed in general.

A special analysis of train sheets was made for one month, which showed the number of cars and locomotives, equipment units, traveling between points, or in zones, into which the so-called commutation territory, referred to above, was subdivided. Then, for each train leaving or arriving at the Grand Central Terminal, a count was made of the passengers boarding the train at any point within the territory, which count segregated the three classes whose fares were proposed to be increased on the one hand, and the other passengers on the other. The former were classed together as commuters, but really consisted of the monthly commuters, the 50-trip family, and school ticket riders. A ratio was established for each train between commuters and others, on the basis of which the equipment units in the train were divided.

The number of equipment units were then multiplied by the mileage they traveled, and, in general, the costs were apportioned on the relative equipment miles assigned to commuters. In this manner the New York Central determined that operating expenses, taxes and return chargeable to the cut-rate passengers, or so-called commuters, amounted to about $10,000,000, while the revenues credited to them totaled $6,000,000, of which only $4,700,000 were received from ticket sales. Thus, they were entitled to about 85 per cent increase in commutation rates, but they were willing to be satisfied with a 40 per cent increase.

It should be noted that in all this proof, there was not a particle of evidence as to how much it costs to carry a commuter between any two given points, or per mile, or as to how many miles they were carried. The basis of allocation rested on the number of commuters on each train, regardless of origin or destination. No actual passenger miles whatever were considered at any point in the calculation.

The witnesses for the railroad admitted on cross-examination that nowhere in the record is to be found any relation between rates charged from New York to other points and the cost of carrying commuters along given distances. The existing rates had been established basically about a quarter of a century ago, and later increased horizontally, without regard to cost of service.

The business was developed as a by-product of the regular traffic, and the original rates were fixed at a low level to encourage the development of the traffic. Now that the business has developed on a large scale within the suburban territory, the question arises whether the original promotional view as to rates shall be continued, or whether the commuters shall be saddled with costs that are due to the general business and have heretofore been borne by the other traffic. When promotional rates have actually promoted, can the rates then be fairly shifted to a basis which, if applied originally, would have prevented the development of the business?

In view of these questions and the uncertain data as to allocation, the New York commissions deemed it unnecessary to call upon the opponents to put in an affirmative case. They agreed wholly with them that the carrier failed to establish even a *prima facie* case.

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Increase in Freight Rates Urged by the Railroads.—In these days of falling prices and retrenchment, the railroads have taken concerted action by making formal application to the interstate commerce commission for permission to increase freight rates 15 per cent. As was to be expected, the proposal was met immediately with a storm of protest from various groups and sections of the country. The interstate commerce commission recognized the importance of the matter by extending an invitation to state utility commissions to participate in the proceedings. The hearings are now under way.

A glance at the financial pages of any current newspaper can hardly fail to disclose the poor showing in net earnings of our railroads. Almost every month this year these earnings have shown a decline of about one-third from the net

of 1930, which in turn compared unfavorably with the net earnings of the flush period of 1929.

But an analysis shows that a still greater loss occurred in gross revenues from both passenger and freight. The plight of the roads, therefore, consists in loss of business. Less passengers travel, and less freight is carried—a condition inevitably resulting from the extreme business depression we are now experiencing.

As in all other businesses, and especially those having comparatively extensive physical plants, losses in revenues cannot be compensated by proportionate retrenchment in maintenance of the property and in fixed charges. The result is that profits decline. This is true of steel, automobile, and similar industries as well as the railroads.

But have the unregulated industries attempted to raise prices, and make those who do buy yield the profit lost from the failure of others to come into the market? Rather has the tendency been the reverse. Manufacturers and business men generally have been lowering prices to induce greater consumption.

The plea is made, however, that it is not fair to compare a public utility like the railroads with private industries. The roads are absolutely essential to all other businesses. They are not allowed to charge all the traffic can bear in times of prosperity. It is, therefore, fair to readjust rates upward when business declines, so that they will continue to earn a modest income.

This argument seems reasonable; but upon closer scrutiny, its implications take away a good deal of its seeming simplicity.

In effect the reasoning advanced in this plea amounts to urging a government guarantee of railroad profits. For, certainly, no one would advocate an increase in rates if he were convinced that the higher charges would drive away business still more, and the net earnings would not show improvement.

But if the government is to guarantee profits, regardless of the amount of railroad business, or of the general business conditions, why should it not have a voice in railroad management? Why should not the interstate commerce commission have power to order consolidations, doing away with obsolete or duplicate facilities, waste in financial organization, and other evils that still inhere in large sections of our railroad systems?

This consideration opens up the wider aspect of the railroad problem. The railroads have been losing passengers and freight, although not so precipitously, for a number of years prior to the depression. Automobiles, buses and trucks are gaining more and more ground in the field of transportation. All agree that in certain sections and for certain purposes this newer mode of transportation is far more convenient and suitable than the railroads. Likewise, all are bound to admit that the transportation business of the country could not be served without the major portion of the existing railroads.

We are, therefore, confronted with the problem of proper coördination of the old and the new facilities. From the larger point of view of the public interest, our aim should be not to stifle progress, nor to cripple the railroads, but to coordinate all means of transportation, so that they will best serve the needs of the public. Here, again, we have witnessed only sporadic attempts, at best, on the part of the roads to cope with the problem. Leaving it for them to solve voluntarily has not resulted in the slightest advantage and with the passage of time its solution will become more difficult.

It seems to us that the application for permission to increase freight charges now before the interstate commerce commission, could well be made the occasion for throwing out these fundamental questions. In so far as the railroads suffer from loss of traffic because of the general decline in business, they are probably better off than the average industry; an increase in rates will only deprive many of the railway service without benefiting appreciably the railroads themselves. On the other hand, so far as they are suffering from a gradual and permanent loss of business, due to a widening use of newer facilities, no rate tinkering, by itself, could possibly improve their condition. The interest of railroad security holders as well as that of the general public, would be served best by going to the roots of the railroad problems, and by launching constructive measures for improvement. This involves nation-wide consideration of traffic needs, the consolidation of existing railroads on the basis of national needs instead of system rivalries and speculative pyramiding of capitalization and control, and the elimination of all duplications in organization and of all unnecessary facilities and processes. This job should precede any wholesale increase in rates proposed without regard to effect on business or the vast amount of unnecessary costs involved in the antiquated form of organization.

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South Carolina Investigates Electric Rates.—In line with similar action by other

states, the legislature of South Carolina empowered the governor to appoint a committee to investigate the electric power and light situation. It appropriated a sum of $50,000, which is to be used largely for expert services, because the members of the committee themselves are limited to a per diem of $15 for days actually engaged in the service.

The governor promptly appointed a committee of five, with Tom B. Pearce as chairman. The other members are C. W. Coker, vice-chairman, B. H. Peace, H. Clugh Purdy, and E. P. Vandiver, all well known citizens and actively interested in utility problems.

The committee appointed William J. Cormack, executive secretary, and Major Arthur R. Wellwood, chief engineer. The latter is immediately in charge of the investigation for which he is especially suited, because of his extensive experience as an electrical engineer, and especially because of his intimate acquaintance, acquired at first hand, with the power resources and plants in South Carolina. He was engineer in charge of the huge Saluda Dam hydro-electric project.

While the bill creating the committee specifically charges it with "power of investigating rates charged consumers of electric current, and whether or not public utilities and power companies are receiving more than a fair, equitable and reasonable income upon its or their investment," it supplements the above by a more general clause, empowering the committee "to make such further investigation as may in their judgment be necessary, so that a fair, equitable and reasonable rate, or rates, shall be set up by the railroad commission for the consumers of electric current to pay for same."

The South Carolina Power Rate Investigating Committee, under the guidance of Major Wellwood, has tentatively outlined the major objects as follows:

1. Investigation into power and domestic electric rates to determine their fairness and uniformity.
2. Investigation of the capital structures of the electrical companies.
3. Determination of the connection between the power generating companies and their distributing agents.
4. A physical valuation of the properties.
5. Analysis of the existing regulatory laws to determine their effectiveness.
6. A determination as to whether taxes imposed by the state and its political subdivisions upon such utilities are excessive or reasonable.
7. A comparison of the amount of current generated in the state and the amount consumed.
8. Investigation of secondary and dump power to determine whether such power is ever cut off or interrupted merely to discourage its use.
9. Consideration of the extent and possibilities of rural electrification.

This is rather a large program for a committee which has been organized last July and which is to submit a complete report by the middle of January. But its members, and the staff under the leadership of Major Wellwood, have set to work to do as complete a job as possible within the limits of time and means allowed them. The important results of this investigation will be reported in due course in this Department.

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Public Ownership Conference.—The Public Ownership League conducted a conference at Los Angeles, California, from September 28 to October 1, inclusive. A report of the conference will appear in a later issue by the editor of this Department, who was invited to address the group on "Taking Stock of Regulation."

NOTES AND COMMENT ON MUNICIPAL ACTIVITIES ABROAD

EDITED BY ROWLAND A. EGGER
Director, Virginia Bureau of Public Administration

A New Rôle for the German Municipal League.—This department some months ago carried a brief discussion of the agitation in Germany and particularly in Prussia concerning the implications of the Emergency Order of September 30, 1930. One of the stipulations of this *Notverordnung* was that if the municipalities were not able by March 31, 1931, to provide evidence of adequate fiscal coördination and control, apart from the general revisory powers of the superior authorities, which due to the extreme degree of administrative decentralization existing throughout the *Reich* are virtually impossible of adequate enforcement, the government would itself take whatever steps it considered necessary to enforce a sound régime of municipal financial administration. The obvious conclusion seemed to be that this control would take the form of the *staatskommissar*. This device has been in fact utilized in certain particularly acute situations in German local government.

The generally precarious condition of municipal finance has made it apparent at the same time that any use of the *staatskommissar* principle commensurate with the necessities of financial retrenchment effectively would abrogate even the vestiges of local self-government in Germany. There has been also considerable question of the constitutionality of the *staatskommissar*.

In this crisis the German Municipal League, which was also described briefly in these columns some months ago, has come to the forefront of municipal affairs in a manner the spectacularity of which is unparalleled in recent local government history, and is probably the most important single event in German local government since the genial Baron von Stein gave the Prussian municipalities their liberty.

The federal organization of the German Municipal League, according to *L'Administration Locale* for June last, has enabled it to conduct with great expediency the negotiations essential to the completion of a plan of extra-official financial control. This work has been carried on very largely through representatives of the state municipal leagues and the provincial municipal leagues, and upon the basis of these negotiations the following important machinery of supervision and control has been agreed upon:

The finance officials of the municipalities themselves constitute in the first instance the basic level of financial control.[1] In general the power of intervention established by the state and provincial leagues is analogous to what would have been the powers of the *staatskommissar* under the Emergency Order. However, the control officers both of first and higher instance are charted with supervising not only the current financial operations of the municipalities but also in large and medium sized cities the municipal trading ventures. Discretionary authority providing for a considerably more elastic control than would have been possible by direct central supervision and administration is given to the control offices organized by the *Städtetag*.

On the other hand these officers are charged with the duty of seeing that all financial activities are conducted in accordance with the prescriptions of the appropriate administrative organs. In the event that the local agencies of control exhibit an inability to deal with local conditions they may be superseded by superior authorities and their functions performed by these authorities until the machinery of financial control is satisfactorily reorganized.

The control of municipal trading is a problem that has occasioned particular difficulty, and the agency which has been created to deal with the intricacies of its finance in the period of crisis is peculiarly interesting. The officials of the *Städtetag* were in agreement that this supervision should take the form of commercial societies composed of technicians qualified to deal with the

[1]Thus the Städtetag plan involves controlling only the local financial officer, as against the government's plan of controlling also the various functional affairs.

individual types of municipal trading rather than to integrate the control of such enterprises with any general scheme of fiscal supervision. In this manner it is thought to be possible to establish a system of charges which the traffic will be able to bear and which will at the same time be consistent with the public service policies of the different municipalities and which may be adapted to procure results satisfactory to these varying conditions.

For the completion of the scheme of control the *Städtetag* has created a society in which it officially participates conjointly with the municipal trading enterprises, such as gas, water and electricity as well as rapid transit. This society is called the *Wirtschaftsberatung deutscher Städte Versorgungs-und Verkehrsunternehmungen A. G.*, and is, as the title indicates, a central consultative office for the economic affairs of German municipalities, public works, and transit. This society is not contemplated actually to enter into the administration of public utilities, but will act primarily as a technical advisory agency. The president of the administrative council of the society is Dr. Mulert, president of the *Städtetag*, assisted by Dr. Schmidt, director of the Berlin gas supply, and Dr. Elsas, vice-president of the *Städtetag*.

Machinery which it is thought that the state and provincial leagues will set up is in every way analogous as to its methods of operation to an official central office. It has of course no official standing and must rely for the force of its edicts upon the coöperation of the municipalities and the dignity of the organization of which it is an instrument. It is in brief a bi-lateral agreement between the government and the Municipal League, in which the latter guarantees the enforcement of the Emergency Finance Decrees of the central government. It is of perhaps more than ordinary significance that in such a period of crisis the government should prefer to utilize this extra-official method as against direct government action which would violate a long tradition of local independence in a country distinguished for its excellent local administration. It is significant also as an indication of the increasingly important rôle which organizations outside the government proper are coming to play in the administration of public affairs in Germany.

The Municipal League, while not in any sense a trade union of municipal officials, is, in fact, a general organization in which all of the separate unions of bürgermeisters, finance officers, engineers, etc., have a common meeting place. Because of the preëminent rôle which it has assumed in the elevation of public administration and the able leadership in which it has been peculiarly fortunate, it has gained a dignity in public affairs the full extent of which this recent action is only nominally indicative. The new rôle in which the German Municipal League has been cast will be observed in local government circles throughout the world with the greatest interest, not only as a unique innovation in state-municipal relations, but also as a magnificent attempt to conserve a tradition which has gained universal acceptance in local government.

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Motor Parking in Belfast.—In response to an inquiry addressed to Sir R. Meyer, Town Clerk of the Corporation of Belfast relating to charges for the parking of vehicles in certain public streets within the limits of the municipality the following memorandum, prepared by the departmental officer, has been received:

"Towards the latter end of the year 1928 the growth of general vehicular traffic in the city, and the consequent congestion incurred, made it a matter of prime necessity that a car parking scheme should be devised for the benefit of the public generally. The Road Improvement Act (Northern Ireland) 1928 in one of the clauses furnished the necessary legal machinery for this purpose. The Belfast Corporation Police Committee instructed their executive officer to prepare a scheme for submission to the council for approval and adoption. The car parks eventually chosen were 'sited' having due regard to the convenience of the shopping public, and the already existing regulations governing traffic generally within the city boundaries. Parking facilities were arranged in twenty-eight streets in or near the city centre—the furthest away being not more than 500 yards distant—and accommodation for some 500 cars was provided. These stands consisted of day parks and night parks. The act gave powers to the local authority to erect a central garage as an alternative to the street parking scheme.

"By the adoption of the central garage plan the corporation could have had power to levy a nominal charge for parking but no authority could be given the corporation for street parking charges. The control of the parks was handed over by the corporation to the British Legion of ex-Servicemen but with the stipulation that none

but disabled ex-servicemen should act in the capacity of car park attendant.

"A nominal charge of 6d per vehicle is made by the British Legion and this entitles the ticket holder to remain for two hours on a day park and for three hours on a night park. It may be mentioned, however, that this contribution is purely voluntary but it would be superfluous to add that there is not any disinclination on the part of the motoring public to support so worthy a cause.

"By-laws made by the Belfast Corporation, and approved of by the Northern Ireland Government, are rigidly enforced. Any irregularities or infringements concerning the conduct of motorists on the parks are reported by the attendants to the local police who take action when necessary. The Belfast Corporation has issued a brochure giving a list of all parks together with a colored map showing conventional signs for the convenience of all concerned.

"The cost of administration by the British Legion is practically negligible as all money received by them, through their attendants, is pooled and paid to the latter in the form of a weekly wage, and some 60 disabled ex-servicemen are employed in this capacity."

It seems probable that in most American cities this plan might be adopted and the revenues accruing from such charges paid directly into the treasury of the municipality. It might be expected of course that it would be resisted by the proprietors of garages and parking stations. In general, however, the effect would not be appreciably different from present regulations restricting time parking in downtown areas and would, if attended by regulations prohibiting all-day parking on "unsited" adjacent streets, serve to force the all-day parker to place his machine in such private parking stations or in some other way to remove it from the public thoroughfare.

The experience of the city of Belfast does not provide any adequate information as to what a legitimate cost of administration in relation to the total revenues might be expected to be. Naturally the personnel costs would be rather high and it is problematical whether, except as an unemployment relief measure, the venture is economically sound. Considered, however, as a relief measure the plan seems to be one which many American municipalities might well adopt as a method both of enforcing the spirit of existing parking regulations and of affording financial aid to otherwise unemployed persons.

Inasmuch as these attendants would act in the capacity of car-watchers it is believed that a mandatory charge perhaps would be unnecessary if it is felt undesirable or of doubtful legality. At the same time the psychological factor involved in a voluntary charge probably would necessitate handing the administration over to some organization similar to the British Legion or other deserving group.

As an experimental project it would be interesting to learn whether this plan could be made effective as a normal regulation of downtown parking and as a profitable source of revenue for the municipality.

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The Paris Anti-Noise Ordinance.—This department carried in the REVIEW of February last an outline of the primary findings of the Parisian Prefectorial Sub-commission, created in July, 1930 to investigate the problem of city noises. Through the courtesy of the office of M. Jean Chiappe, prefect of police, this department has been provided with a copy of the ordinance which he has promulgated, designed to correct the major deficiencies revealed by the research of the sub-commission.

"Article One.—All noises are prohibited which are caused without necessity or due to a deficiency of precaution and tending to disturb the rest or the tranquility of the inhabitants.

"Article Two.—Especially prohibited are noises, which are in fact nuisances as defined in Article One, arising from any of the following causes:

1. Work of all kinds performed on the public way.
2. The excessively rapid movement of heavily loaded vehicles with solid tires.
3. The defective condition of the body or chassis of vehicles.
4. Allowing motors to run while parked.
5. Use upon vehicles of badly installed or badly maintained braking devices.
6. Repairing on the street of automobiles or motorcycles, or attempting to repair their motors.
7. Abusive use, by the operators of vehicles, of auditory warning appliances.
8. Employing auditory warning appliances between 12:30 A.M. and 6:00 A.M. by the operators of automobiles, during which time they will be expected to slow down wherever the need exists, in order that the use of warning signals will become unnecessary.
9. The defective packing of goods in vehicles.
10. Moving, loading or unloading, upon the public way, of heavy materials and ob-

jects capable of producing noise; such as plates, sheets, or bars of metal; cans of milk; boxes of rubbish; the foregoing to be carried or set down and not dragged or thrown.

11. Publicity or advertising by cries or songs, or employing for an industrial, commercial or private purpose phonographs, loud speakers and other noisy proceedings, except with special authorization.

"Article Three.—Equally forbidden, within the sense of the first article, are the noises made in the interiors of properties, of residences or their outbuildings; such as those arising from phonographs, loud speakers, musical instruments; the shooting of fireworks, torpedoes or firearms; work of a manufacturing or commercial nature; construction work; when these noises, taking into consideration the hour and the place, are of a nature to disturb the rest and quiet of the other inhabitants.

"Article Four.—Being or remaining prohibited under all circumstances are:

1. The use, by operators of vehicles, of warning appliances which are harsh, shrill, or of multiple tones.
2. The movement of automobiles, motorcycles, and other motor vehicles lacking efficient mufflers or permitting free exhaust.
3. The use of whistles, sirens, and analogous apparatus, with the view of regulating the movement of personnel in industrial or commercial establishments; also the use, to the same ends, of bells for longer than 15 seconds.
4. The use at outdoor fairs of organs, calliopes, large drums, bells, loud speakers, sirens, whistles, horns, and other particularly noisy instruments.
5. Parades and traveling musicians after 11:30 P.M. under all circumstances.
6. All musical or vocal exhibitions on the public way without special authorization.
7. The shooting, on the public way, of firearms, crackers or fireworks, except with authorization granted upon the occasion of fêtes or public rejoicing.
8. The beating of carpets. (The brushing of carpets upon the public way being authorized at dwellings until 8:00 A.M. from the first of April to the thirtieth of September, and until 9:00 A.M. from the first of October to the thirty-first of March.)

"Article Five.—All contractors, artisans, and laborers who use in their work hammers or instruments capable of producing a noise sufficiently loud to penetrate beyond the workshop, and thus disturb the peace and quiet of the inhabitants, must stop their work throughout the year between 10:00 P.M. and 7:00 A.M.

"The same obligation is required of contractors utilizing steam shovels, concrete mixers, riveting appliances and other noisy engines; as well as contractors executing work on the public way and not provided with a special authorization.

"Article Six.—All motors, of whatever nature, employed in commercial or industrial undertakings or for any other use, as well as all appliances, machines, conveyances, propelled by motors and used in the interiors of establishments not subject to the special legislation applying to such establishments, must be installed and operated in such a manner that their operation can in no case disturb the rest and quiet of the inhabitants."

Articles Seven and Eight of the Ordinance deal with the punishment of infractions, and provide for summary fines of relatively small amounts for inadvertent violations, while preserving the applicability of Art. 471, Par. 15 of the Penal Code, which provides for more serious punishment.

JOHN E. HAMM.

University of Virginia

NOTES AND EVENTS

EDITED BY H. W. DODDS

Two Manager Plans Before Toledo Voters.—On November 3, the day on which Cleveland will vote on a charter amendment to abolish the manager plan, the people of Toledo will decide whether to adopt it for their city. Two amendments have been submitted. One calls for the small council-manager plan and the other for a council of twenty-one composed of one representative from each ward. The small council charter was drawn by a group of citizens with Dr. O. Garfield Jones as chairman of the drafting committee. On the same night that it was presented another amendment suddenly appeared before council with the request that it also be placed on the ballot. There is no doubt that the large council amendment was drawn by the dominant political organization and introduced to confuse the issue.

Both amendments utilize much of the present charter. Many of the differences between the two will appear technical to the average voter and it is questionable whether a clean-cut decision can be arrived at.

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Cleveland to Vote on Abolition of Manager Government—Hopkins Candidate for Council.—The petitions recently filed with the Cleveland council for a vote on the so-called Danaceau amendment to the city charter have been approved as sufficient and the amendment ordered placed on the ballot for the regular election on November 3. At this writing the political forces have not as yet lined up pro and con on the proposition, but the amendment will no doubt have the support of the Democratic organization. The Republican organization, it is predicted, will support the present city manager plan. The petitions contain about 44,000 names.

The proposed amendment, named for one of its sponsors, is essentially the same which has been brought forward on previous occasions only to meet defeat by the voters. It provides for the abolition of the manager plan and for a mayor elected at large and a council of thirty members elected by wards.

The election on November 3 has been further enlivened by the formal announcement by former City Manager William R. Hopkins of his candidacy for the city council. Mr. Hopkins, who has been almost entirely out of the public eye since his removal as manager in January, 1930, will make his campaign on the issue of "Take the city council away from the boss"—meaning, of course, the county Republican leader and national committeeman, Maurice Maschke. Mr. Hopkins also definitely stated that he was opposed to the Danaceau charter amendment, the purpose of which is to restore the elective mayor and abolish the city manager plan.

It has been openly conceded that it was the Maschke machine which selected Hopkins as city manager in 1924 and that it was a "break with the boss" which finally caused the "ouster" of the manager. Political observers believe Hopkins is seeking vindication and vengeance and that his ultimate objective may be the unseating of Maschke and the selection of himself as the successor. At least the fall political battle promises to be most interesting.

S. L. REEDER.

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"Hampy" Moore to be Philadelphia's Next Mayor.—Perhaps the most significant outcome of the primary election in Philadelphia on September 15, was the nomination of J. Hampton Moore as the Republican candidate for mayor. Mr. Moore was mayor of Philadelphia from 1920 to 1924. If he is elected in November, as he doubtless will be, he will have the distinction of being the first Philadelphia mayor in the last half century to be chosen for a second term.

Mr. Moore ran practically unopposed in the Republican primaries. There were four other candidates, but his strongest rival polled only slightly over 6,000 votes. Mr. Moore's vote was in excess of 360,000. The "independents" as well as the "organization" supported him.

In view of Mr. Moore's difficulty with city council during his first administration, there was unusual interest in the probable personnel of that

body during the next four years. From the primary results it would appear that with a few exceptions it will have the same personnel as at present. Mr. Moore took no part in the councilmanic contests and on the surface at least all the Republican nominees for councilmanic seats appear friendly to him. When council reorganizes in January, 1932, however, it is likely to have in its membership at least six men who were councilmen during his first administration and who were among his political enemies at that time. How fully he will have the coöperation of council during his second administration remains to be seen.

There seems to be a pretty general feeling among political observers that Mr. Moore is the man who is needed in the mayor's office during the next four years. Both his past record and his recent public pronouncements justify taxpayers in expecting a régime of economy at his hands. With the city's borrowing capacity about exhausted and a huge operating deficit to be met, Philadelphia now needs just such a régime.

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Pittsburgh Primary a Defeat for Mayor Kline's Gang.—The independent movement in Pittsburgh became a real threat to the well entrenched machine of Mayor Charles Kline, when in the Republican primaries of September 15 the voters of this long bossed city defeated three of the mayor's four candidates for council. The mayor succeeded in nominating only one of his party to the four vacancies to be filled but will still hold in the next council enough seats to command the two-thirds majority vote which is required for many vital matters.

None of the three independents nominated are novices in politics. One is a former anti-administration member of council. The other two constitute the present independent minority in that body. The fourth independent candidate, who ran far ahead of the fourth organization candidate but failed to win nomination, was John D. Houston, a wholesale grocery dealer who inspired the investigation of the department of supplies which resulted in the indictment of the director and the mayor last June.

Newspapers defined the issue as a clear contest between decent government and a corrupt machine, and militantly defended their position. In the face of the boldest publicity the machine used every device known to win, including 40,000 assessments ruled to be illegal, phantom votes, personal politics, payroll orders and, of course, the police. Its brazen effrontery was climaxed late on election day when Director of Public Safety Clark notified all election boards that none of the 7,500 whose names had been stricken from the lists by the registration commission after the common pleas court had ruled them illegal were to be denied the right to vote.

In the Allegheny County primary the present county boss, Commissioner Armstrong, was apparently defeated and State Senator Coyne, the mayor's selection, trailed the field of major candidates for county commissioners. On the unofficial count the two nominations went to State Senator Mansfield, Pinchot candidate for president pro tem of the senate in the last legislature, and Commissioner McGovern, present independent minority commissioner. District Attorney Park was easily nominated over his independent opponent. He had the endorsement of numerous business interests, as well as of the citizens' committee, which organization with the League of Women Voters in early summer successfully pressed him for a grand jury investigation of the supplies scandal.

Although unofficial tabulations compiled from the return sheets posted outside the polling places showed Commissioner McGovern's nomination by a 2,200 plurality over Armstrong, the newspapers at this writing have much to say regarding an apparent attempt to steal the nomination from McGovern. Official returns being tabulated by the bureau of elections have indicated wide variations between official and unofficial figures, and the consensus of opinion is that the results are being juggled.

For the first time voting machines were used in Pittsburgh. Some of them failed to work and ballots had to be used. Tampering with the machines probably was the cause of this failure. The district attorney has begun an investigation.

All in all, this was the bitterest election in recent Pittsburgh history. The vote was the heaviest ever recorded and the results the most encouraging that have come out of this city in many years. Effective use of the recent supplies scandal and the standing indictments of the mayor no doubt helped to arouse an already disgusted but until recently docile citizenry.

ELBERT EIBLING.
University of Pittsburgh.

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A. C. A.'s Annual Traveling Meeting to be in Detroit Region.—The American Civic Associa-

tion announces that its Fifth Annual Traveling Meeting will be held in and about Detroit, October 5–8. The annual gatherings of the Association are unique. Instead of meeting for three days in a hotel or convention hall, the members travel about observing at first hand the execution of civic and planning programs.

This year arrangements are being made to visit Wayne County highways where so much has been accomplished in planting and erection of public service structures. A trip will be made to the Bloomfield District, including the Cranbrook School for boys and girls, built on the George Booth estate. The buildings are unusually lovely and the architect has received a prize for the excellence of their design.

A trip will be made to Grosse Pointe, where the most is made of the frontage on Lake St. Clair to develop communities of charming homes.

A boat trip and a visit to the Canadian side are among the events scheduled. On the last day the delegates will be taken via Dearborn and Greenfield Village to Ann Arbor where the local committee is planning an interesting evening.

Subjects for discussion include regional plans, state planning, national and local parks (pictures of Isle Royale will be shown), architectural control of private buildings, roadside improvement and home gardens.

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National Municipal Association Organized in China.—In order to further research in municipal administration, a National Municipal Association is being organized under the initiative of Mayors Chang Chun, Wei Tao-ming, Hu Jo-yu, and Liu Wen-tao of Shanghai, Nanking, Tsingtao and Hankow respectively.

The idea was first conceived by these four mayors during their sojourn at the capital for the National People's Convention, when they discussed the lack of expert knowledge on municipal administration in the country. Receiving the hearty endorsement of various important party and government leaders such as Messrs. Li Shih-tseng and Wu Chih-hui, the plan of organization was launched and Mayor Wei Tao-ming was entrusted with the drafting of the regulations of the Association.

It is understood that the support of Mayor Chou Ta-wen of Peiping and Mayor Chang Hsueh-ming of Tientsin is assured. As the permanent office of the association will be at the capital, a piece of land is being secured for the erection of a suitable building.

According to the draft regulations and by-laws, the mayors of all municipalities shall be *ex officio* members of the association, while those who have previously held posts as mayors or as high officials in municipalities, as well as experts in municipal administration, may become members. Regular meetings will be held semi-annually in the various municipalities by turns. A library is to be established and noted foreign experts on municipal administration invited to lecture in China.

WILLIAM WATSON.